

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2043 Session of  
2007

INTRODUCED BY HALUSKA, BENNINGHOFF, CAPPELLI, GEIST, GODSHALL,  
HENNESSEY, HERSHEY, W. KELLER, KOTIK, KULA, MAHONEY, MOUL,  
READSHAW, SIPTROTH, SONNEY, STABACK AND YOUNGBLOOD,  
NOVEMBER 19, 2007

REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,  
NOVEMBER 19, 2007

AN ACT

1 Amending Titles 32 (Forests, Waters and State Parks), 42  
2 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the  
3 Pennsylvania Consolidated Statutes, reconsolidating  
4 provisions on snowmobiles and all-terrain vehicles; further  
5 providing for the definition of "all-terrain vehicle"; and  
6 making editorial changes.

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

9 Section 1. Title 32 of the Pennsylvania Consolidated  
10 Statutes is amended by adding a chapter to read:

11 CHAPTER 77

12 SNOWMOBILES AND ALL-TERRAIN VEHICLES

13 Subchapter

14 A. General Provisions

15 B. Certificates of Title and Registration

16 C. Operation

17 D. Equipment

18 E. Miscellaneous Provisions

1                                    SUBCHAPTER A

2                                    GENERAL PROVISIONS

3   Sec.

4   7701. Short title of chapter.

5   7702. Definitions.

6   7703. Applicability of chapter.

7   7704. Rules and regulations.

8   7705. Records and reports.

9   7706. Restricted account.

10   § 7701. Short title of chapter.

11        This chapter shall be known and may be cited as the  
12   Snowmobile and All-Terrain Vehicle Act.

13   § 7702. Definitions.

14        The following words and phrases when used in this chapter  
15   shall have, unless the context clearly indicates otherwise, the  
16   meanings given to them in this section:

17        "All-terrain vehicle" or "ATV." A motorized off-highway  
18   vehicle which travels on three or more inflatable tires and  
19   which has:

20            (1) a maximum width of 50 inches and a maximum dry  
21   weight of 1,000 pounds; or

22            (2) a width which exceeds 50 inches or a dry weight  
23   which exceeds 1,000 pounds.

24   ATVs described in paragraph (1) may be referred to as Class I  
25   ATVs, and ATVs described in paragraph (2) may be referred to as  
26   Class II ATVs. This term does not include snowmobiles, trail  
27   bikes, motorboats, golf carts, aircraft, dune buggies,  
28   automobiles, construction machines, trucks or home utility  
29   machines; military, fire, emergency and law enforcement  
30   vehicles; implements of husbandry; multipurpose agricultural

vehicles; vehicles used by the Department of Conservation and Natural Resources; or any vehicle that is or is required to be registered under 75 Pa.C.S. Ch. 13 (relating to registration of vehicles). In addition, this term does not include off-road motor vehicles used exclusively as utility vehicles for agricultural or business operations and incidentally operated or moved upon the highway.

"Dealer." A person engaged in the business of selling snowmobiles or all-terrain vehicles at wholesale or retail who is registered or required to be registered under section 7711 (relating to registration of dealers).

"Department." The Department of Conservation and Natural Resources of the Commonwealth.

"Head lamp." A major lighting device used to provide general illumination ahead of a vehicle.

"Highway." The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Snowmobile." An engine-driven vehicle which is all of the following:

(1) Is designed to travel over snow or ice.

(2) Has an endless belt track or tracks.

(3) Is steered by a ski or skis.

(4) Has an overall width of 48 inches or less.

The term does not include a farm tractor, construction equipment, military vehicle, vehicle with inflatable tires or machinery used strictly for the grooming of snowmobile trails.

"Street." A highway, other than an alley, within the corporate limits of a political subdivision.

"Tail lamp." A device to designate the rear of a vehicle by

1 a warning light.

2 § 7703. Applicability of chapter.

3 This chapter does not apply to law enforcement officers while  
4 engaged in the performance of their official duties.

5 § 7704. Rules and regulations.

6 The department may promulgate such rules and regulations as  
7 may be necessary to carry out the provisions of this chapter.

8 § 7705. Records and reports.

9 The provisions of 75 Pa.C.S. Ch. 63 Subch. B (relating to  
10 records of traffic cases) relating to records and reports shall  
11 be applicable to proceedings under this chapter.

12 § 7706. Restricted account.

13 (a) Deposit and use of moneys.--

14 (1) The department shall deposit the following into a  
15 restricted account, which is hereby established:

16 (i) all moneys received from the registration of and  
17 issuance of certificates of title for snowmobiles and  
18 ATVs;

19 (ii) all revenue from the sale of any publications  
20 or services relating to snowmobiles and ATVs; and

21 (iii) all fines, penalties, fees and costs assessed  
22 and collected as a result of enforcement activities  
23 conducted by the department's law enforcement personnel  
24 under this chapter.

25 (2) The department shall draw moneys from the restricted  
26 account for use in performing any activities necessary to  
27 carry out the purposes of this chapter, including  
28 registration and certificate of title activities, training,  
29 education, enforcement activities, construction and  
30 maintenance of snowmobile and ATV trails and acquisition of

1 equipment, supplies and interests in land. All moneys  
2 deposited in this account shall remain in it to be used as  
3 specified in this section.

4 (3) The provisions of 42 Pa.C.S. § 3573(b)(2) (relating  
5 to municipal corporation portion of fines, etc.)  
6 notwithstanding, when prosecution under this chapter is the  
7 result of local police action, all fines, penalties, fees and  
8 costs assessed as a result of such prosecution shall be  
9 payable to the municipal corporation under which the local  
10 police are organized.

11 (b) Grant-in-aid.--The department shall, upon written  
12 application and subsequent approval, grant money from the  
13 restricted account:

14 (1) To municipalities and profit and nonprofit  
15 organizations in connection with snowmobile and ATV use on  
16 lands not owned by the Commonwealth for the following:

17 (i) Plans, specifications and engineering surveys.

18 (ii) Fees and costs related to the preparation or  
19 performance of right-of-way lease agreements.

20 (iii) Land acquisition.

21 (iv) Construction, maintenance and rehabilitation of  
22 trails and other facilities for snowmobiles and ATVs.

23 (2) To municipalities and profit and nonprofit  
24 organizations for equipment, training and education  
25 activities relating to snowmobile and ATV use.

26 (3) To profit and nonprofit organizations for the  
27 maintenance and rehabilitation, but not the construction, of  
28 snowmobile and ATV trails on land owned by the Commonwealth.

29 (c) Audit of moneys.--The restricted account shall be  
30 audited every two years. Copies of the audit shall be provided

1 to the Snowmobile and ATV Advisory Committee.

2 SUBCHAPTER B

3 CERTIFICATES OF TITLE AND REGISTRATION

4 Sec.

5 7711. Registration of dealers.

6 7711.1. Registration of snowmobile or ATV.

7 7711.2. Limited registration of snowmobile or ATV.

8 7712.1. Certificate of title for snowmobile or ATV.

9 7712.2. Transfer to or from dealer.

10 7712.3. Transfer of snowmobile or ATV by operation of law.

11 7712.4. Correction of certificate of title.

12 7712.5. Issuance of new certificate following transfer.

13 7712.6. Suspension and cancellation of certificate of title.

14 7712.7. Application for certificate of title by agent.

15 7712.8. Perfection of security interest in a snowmobile or  
16 ATV.

17 7712.9. Satisfaction of security interest.

18 7712.10. Release of security interest.

19 7712.11. Effectiveness of security interests.

20 7712.12. Assignment by secured party of security interest.

21 7712.13. Exemptions.

22 7715.1. Snowmobile or ATV purchased from dealer.

23 7715.2. Fees.

24 7716. Records.

25 7717. Snowmobile and ATV Advisory Committee.

26 § 7711. Registration of dealers.

27 (a) General rule.--A person who is in the business of  
28 selling snowmobiles or ATVs in this Commonwealth shall register  
29 with the department as a dealer. A person who is in the business  
30 of selling snowmobiles or ATVs outside this Commonwealth may

1 register with the department as a dealer.

2 (b) Issuance.--Upon receipt of an application upon a form  
3 prescribed and furnished by the department which shall contain  
4 information reasonably required by the department and which  
5 shall be accompanied by the required fee, the department shall  
6 issue to a dealer:

7 (1) An annual dealer registration certificate containing  
8 a dealer registration number and expiration date.

9 (2) Three annual dealer registration plates displaying  
10 the expiration date of the dealer registration.

11 (3) Three annual dealer plate registration cards  
12 displaying the expiration date of the dealer registration.

13 (c) Registration not transferable.--A dealer registration  
14 certificate, dealer registration plate and dealer plate  
15 registration card are not transferable.

16 (d) Expiration of registration.--A dealer registration  
17 certificate, dealer registration plate and dealer plate  
18 registration card expire effective the day after the expiration  
19 date displayed on them. A dealer registration certificate,  
20 dealer registration plate or dealer plate registration card that  
21 has expired is not valid.

22 (e) Use of dealer registration plates.--A dealer may operate  
23 or permit to be operated within this Commonwealth a snowmobile  
24 or ATV owned by or in the possession of the dealer if:

25 (1) A valid dealer registration certificate issued to  
26 the dealer under this section is displayed conspicuously in  
27 the dealer's place of business.

28 (2) The operator carries a valid dealer registration  
29 card issued to the dealer under this section.

30 (3) There is displayed on the snowmobile or ATV in a

manner prescribed by the department a valid dealer  
registration plate issued to the dealer under this section.

(4) The snowmobile or ATV is operated only for the  
purpose of demonstration or testing in connection with the  
dealer's business.

§ 7711.1. Registration of snowmobile or ATV.

(a) General rule.--Except as otherwise provided in  
subsection (f), it is unlawful for a person to operate or for an  
owner to permit another person to operate a snowmobile or an ATV  
unless:

(1) There is carried on the snowmobile or ATV a valid  
registration certificate issued therefor pursuant to  
subsection (b).

(2) There is displayed on the snowmobile a registration  
decal, or on the ATV a registration plate, issued therefor  
pursuant to subsection (b).

(3) The display of the registration decal or plate is in  
the manner prescribed by the department.

(4) There is displayed on the snowmobile or ATV a valid  
expiration sticker issued therefor pursuant to subsection  
(b).

(5) The display of the expiration sticker is in the  
manner prescribed by the department.

(b) Issuance.--Upon receipt of an application therefor upon  
a form prescribed and furnished by the department which shall  
contain information reasonably required by the department and  
which shall be accompanied by the required fee, the department  
shall issue to the owner of a snowmobile or ATV:

(1) A biennial registration certificate containing the  
registration number for the snowmobile or ATV and the



expiration date of the registration.

(2) A registration decal displaying the registration number for a snowmobile or a registration plate displaying the registration number for an ATV.

(3) A biennial expiration sticker displaying the expiration date of the registration.

(c) Temporary registration.--Temporary registration for a period not to exceed 45 days may be issued by a dealer as prescribed by the department. Proof of temporary registration shall be carried and displayed as prescribed by the department.

(d) Expiration of registration.--

(1) Except as provided in paragraph (2), a registration certificate and an expiration sticker shall expire effective the day after the expiration date appearing on the registration certificate and expiration sticker.

(2) Upon transfer of ownership of a snowmobile or ATV during a registration period, the registration certificate and expiration sticker shall expire. The transferor shall, within 15 days from the date of transfer, return to the department the registration certificate with the date of transfer and the name and address of the new owner endorsed on the back. If the transferor applies for registration of a different snowmobile or ATV and pays the required transfer fee, the transferor may be issued in the name of the transferor a registration certificate and expiration sticker for that snowmobile or ATV for the remainder of the registration period without payment of a registration fee. The registration decal or plate shall not be removed from a snowmobile or ATV upon transfer to the new owner and is invalid until the new owner is issued a registration

1 certificate or limited registration certificate for the  
2 snowmobile or ATV.

3 (3) An expired general registration certificate and an  
4 expired expiration sticker are invalid.

5 (e) Suspension or revocation.--If a person violates this  
6 chapter or is convicted of any offense under this chapter, the  
7 department may suspend or revoke a registration certificate and  
8 an expiration sticker. A suspended or revoked registration  
9 certificate or expiration sticker is invalid.

10 (f) Exemptions from registration.--Subsection (a) does not  
11 apply if:

12 (1) The snowmobile or ATV is owned by or in the  
13 possession of a dealer who has been issued a dealer  
14 registration certificate, dealer registration plates and  
15 dealer plate registration cards under section 7711 (relating  
16 to registration of dealers), the dealer is in compliance with  
17 section 7711 and the snowmobile or ATV is used in accordance  
18 with section 7711.

19 (2) The snowmobile or ATV is owned and used by the  
20 United States or another state or a political subdivision  
21 thereof, in which case the snowmobile or ATV shall display  
22 the name of the owner in a manner prescribed by the  
23 department.

24 (3) The snowmobile or ATV is operated on land owned or  
25 leased by the owner or operator of the snowmobile or ATV and  
26 it is not operated elsewhere within this Commonwealth.

27 (4) The owner of the snowmobile or ATV is not a resident  
28 of this Commonwealth and the operator presents proof that the  
29 snowmobile or ATV has been properly registered in another  
30 jurisdiction that exempts from its registration requirements

persons who have obtained proper registration under this chapter.

§ 7711.2. Limited registration of snowmobile or ATV.

(a) General rule.--It is unlawful for a person to operate or for an owner to permit another person to operate a snowmobile or ATV identified in section 7711.1(f)(3) (relating to registration of snowmobile or ATV) unless:

(1) A limited registration certificate has been issued therefor pursuant to subsection (b).

(2) There is displayed on the snowmobile a valid registration decal or on the ATV a valid registration plate issued pursuant to subsection (b).

(3) The display of the registration decal or plate is in the manner prescribed by the department.

(b) Issuance.--Upon receipt of an application therefor upon a form prescribed and furnished by the department which shall contain information reasonably required by the department, the department shall issue to the owner of a snowmobile or ATV for which limited registration is required under subsection (a):

(1) A limited registration certificate containing the registration number for the snowmobile or ATV.

(2) A registration decal displaying the registration number for a snowmobile or a registration plate displaying the registration number for an ATV.

(c) Temporary limited registration.--Temporary limited registration for a period not to exceed 45 days may be issued by a dealer as prescribed by the department. Proof of temporary limited registration shall be displayed as prescribed by the department.

(d) Transfer of ownership.--Upon transfer of ownership of a

snowmobile or ATV for which a limited registration certificate has been issued, the limited registration certificate shall become invalid. The transferor shall, within 15 days from the date of transfer, return to the department the limited registration certificate with the date of transfer and the name and address of the new owner endorsed on the back. The registration decal or plate shall not be removed from the snowmobile or ATV upon transfer to the new owner and is invalid until the new owner obtains a registration certificate or limited registration certificate for the snowmobile or ATV.

(e) Suspension or revocation.--If a person violates this chapter or is convicted of any offense under this chapter, the department may suspend or revoke a limited registration certificate. A suspended or revoked limited registration certificate is invalid.

§ 7712.1. Certificate of title for snowmobile or ATV.

(a) General rule.--Except as otherwise provided in subsection (b), an owner of a snowmobile or ATV which is in this Commonwealth and for which no certificate of title has been issued shall apply to the department for a certificate of title.

(b) Exemptions from titling.--No certificate of title is required for:

(1) A snowmobile or ATV that was registered prior to February 10, 1987.

(2) A snowmobile or ATV owned by the United States unless a general registration certificate has been issued therefor.

(3) A new snowmobile or ATV owned by a dealer before and until sale.

(4) A snowmobile or ATV owned by a nonresident of this

1 Commonwealth and not required by law to be registered in this  
2 Commonwealth.

3 (5) A snowmobile or ATV owned by a resident of this  
4 Commonwealth and required by law to be registered in another  
5 state, based and used principally outside of this  
6 Commonwealth and not required by law to be registered in this  
7 Commonwealth.

8 (c) Contents of application.--Application for a certificate  
9 of title shall be made upon a form prescribed and furnished by  
10 the department and shall contain a full description of the  
11 snowmobile or ATV, date of purchase, the name and address of the  
12 owner, a statement of the title of applicant, together with any  
13 other information or documents the department requires to  
14 identify the snowmobile or ATV and to enable the department to  
15 determine whether the owner is entitled to a certificate of  
16 title.

17 (d) Signing and filing of application.--Application for a  
18 certificate of title shall be made within 15 days of the sale or  
19 transfer of a snowmobile or ATV or its entry into this  
20 Commonwealth from another jurisdiction, whichever is later. The  
21 application shall be accompanied by the required fee and any tax  
22 payable by the applicant under the laws of this Commonwealth in  
23 connection with the acquisition or use of a snowmobile or ATV or  
24 evidence to show that the tax has been paid or collected. The  
25 application shall be signed and verified by oath or affirmation  
26 by the applicant if a natural person; in the case of an  
27 association or partnership, by a member or a partner; and in the  
28 case of a corporation, by an executive officer or person  
29 specifically authorized by the corporation to sign the  
30 application.

1     (g) Registration without certificate of title prohibited.--  
2     Except as provided in subsection (b), the department shall not  
3     issue a registration certificate or limited registration  
4     certificate for a snowmobile or ATV unless a certificate of  
5     title has been issued by the department to the owner or an  
6     application for a certificate of title has been delivered by the  
7     owner to the department.

8     (h) Refusing issuance of certificate of title.--The  
9     department may refuse issuance of a certificate of title if it  
10    has reasonable grounds to believe any one of the following:

11         (1) A required fee has not been paid.

12         (2) Any taxes payable under the laws of this  
13         Commonwealth on or in connection with, or resulting from the  
14         acquisition or use of, the snowmobile or ATV have not been  
15         paid.

16         (3) The applicant is not the owner of the snowmobile or  
17         ATV.

18         (4) The application contains a false or fraudulent  
19         statement.

20         (5) The applicant has failed to furnish required  
21         information or documents or any additional information the  
22         department reasonably requires.

23    (j) Transfer of ownership of snowmobile or ATV.--

24         (1) Upon the sale or transfer of ownership of a  
25         snowmobile or ATV within this Commonwealth, the owner shall  
26         execute an assignment and warranty of title to the transferee  
27         in the space provided on the certificate of title or as the  
28         department prescribes, sworn to before a notary public or  
29         other officer empowered to administer oaths, and deliver the  
30         certificate to the transferee at the time of the delivery of

1 the snowmobile or ATV.

2 (2) Except as otherwise provided in section 7715.1  
3 (relating to snowmobile or ATV purchased from dealer), the  
4 transferee shall, within 15 days of the assignment of the  
5 certificate of title, apply for a new title by forwarding to  
6 the department the certificate of title executed as required  
7 by paragraph (1), a properly completed application for  
8 certificate of title, sworn to before a notary public or  
9 other officer empowered to administer oaths, and such other  
10 forms as the department may require.

11 (k) Penalty.--A person who violates subsection (a) commits a  
12 summary offense and shall, upon conviction, be sentenced:

13 (1) For a first offense, to pay a fine of \$100 and costs  
14 of prosecution.

15 (2) For a subsequent offense, to pay a fine of not less  
16 than \$300 nor more than \$1,000 and costs of prosecution.

17 § 7712.2. Transfer to or from dealer.

18 (a) Transfer to dealer.--If a dealer acquires a snowmobile  
19 or ATV for the purpose of resale, a certificate of title need  
20 not be applied for as provided for in section 7712.1 (relating  
21 to certificate of title for snowmobile or ATV), but the dealer  
22 shall, within seven days from the date of acquisition, forward  
23 to the department, upon a form prescribed and furnished by the  
24 department, notification of the acquisition of the snowmobile or  
25 ATV.

26 (b) Execution and display of notice of transfer.--A dealer  
27 making notification pursuant to subsection (a) shall execute at  
28 least three copies of the notification, the original of which  
29 shall be forwarded to the department, one copy to accompany the  
30 snowmobile or ATV in any subsequent transfer and one copy to be

1 retained by the dealer for at least one year after a subsequent  
2 transfer, to be exhibited, with the assigned certificate of  
3 title, upon request of a police officer or authorized department  
4 employee.

5 (c) Transfer from dealer.--Except as otherwise provided in  
6 subsection (a), if a dealer transfers the dealer's interest in a  
7 snowmobile or ATV:

8 (1) The dealer shall execute an assignment and warranty  
9 of title to the transferee in the space provided on the  
10 certificate of title or as the department prescribes.

11 (2) The transferee shall complete the application for  
12 certificate of title in the name of the transferee, sworn to  
13 before a notary public or other officer empowered to  
14 administer oaths.

15 (3) The dealer shall forward to the department the  
16 certificate of title executed as required by paragraph (1), a  
17 properly completed application for certificate of title and  
18 such other forms as the department may require within 15 days  
19 of the transfer.

20 (d) Exception for repossessed snowmobiles or ATVs.--This  
21 section does not apply to a snowmobile or ATV repossessed upon  
22 default of performance of a lease, contract of conditional sale  
23 or similar agreement.

24 (e) Penalty and suspension or revocation of dealer  
25 registration.--A dealer who violates this section commits a  
26 summary offense and shall, upon conviction, be sentenced to pay  
27 a fine of \$50. If a dealer violates this section, the department  
28 may suspend or revoke the registration issued under section 7711  
29 (relating to registration of dealers).

30 § 7712.3. Transfer of snowmobile or ATV by operation of law.



1     (a) General rule.--If the interest of an owner in a  
2 snowmobile or ATV passes to another other than by voluntary  
3 transfer, the transferee shall, except as otherwise provided,  
4 promptly mail or deliver to the department the last certificate  
5 of title, if available, and shall apply for a new certificate of  
6 title on a form prescribed and furnished by the department. The  
7 application shall be accompanied by such instruments or  
8 documents of authority, or certified copies thereof, as may be  
9 sufficient or required by law to evidence or effect a transfer  
10 of title or interest in or to chattels in such case.

11     (b) Transfer to surviving spouse.--Transfer of a certificate  
12 of title to a surviving spouse, or a person designated by the  
13 spouse, may be made without the necessity of filing for letters  
14 of administration, notwithstanding the fact that there are minor  
15 children surviving the decedent, if the surviving spouse files  
16 an affidavit that all debts of the decedent have been paid.

17     (c) Surrender of certificate.--A person holding a  
18 certificate of title, whose interest in a snowmobile or ATV has  
19 been extinguished or transferred other than by voluntary  
20 transfer, shall immediately surrender the certificate of title  
21 to the person to whom the right to possession of the snowmobile  
22 or ATV has passed. Upon request of the department, such person  
23 shall mail or deliver the certificate to the department.  
24 Delivery of the certificate pursuant to the request of the  
25 department does not affect the rights of the person surrendering  
26 the certificate.

27     § 7712.4. Correction of certificate of title.

28     (a) General rule.--When a certificate of title has been  
29 issued in error to a person not entitled to it or contains  
30 incorrect information, or information has been omitted from the

1 certificate, the department shall notify in writing the person  
2 to whom the certificate has been issued or delivered, and such  
3 person shall return the certificate within 48 hours, together  
4 with any other information necessary for the adjustment of the  
5 department records, and upon receipt of the certificate, the  
6 department shall cancel the certificate and issue a corrected  
7 certificate.

8 (b) Change in material information on certificate.--If any  
9 material information on the certificate of title is changed or  
10 different from the information originally set forth, the owner  
11 shall immediately inform the department and apply for a  
12 corrected certificate. For the purposes of this subsection, a  
13 change of address is not deemed material.

14 (c) Seizure of certificate on conviction.--Upon summary  
15 conviction for violation of this section, the department may  
16 delegate authority to a department employee or police officer to  
17 seize the certificate of title.

18 § 7712.5. Issuance of new certificate following transfer.

19 (a) Voluntary transfer.--The department, upon receipt of a  
20 properly assigned certificate of title with an application for a  
21 new certificate of title, the required fee and any other  
22 required documents and articles, shall issue a new certificate  
23 of title in the name of the transferee as owner and mail it to  
24 the first secured party named in the certificate or, if none, to  
25 the owner.

26 (b) Involuntary transfer.--The department, upon receipt of  
27 an application for a new certificate of title by a transferee  
28 other than by voluntary transfer, on a form prescribed and  
29 furnished by the department together with proof satisfactory to  
30 the department of the transfer, the required fee and any other

required documents and articles, shall issue a new certificate of title in the name of the transferee as owner.

(c) Filing and retention of surrendered certificate.--The department shall file and retain for five years a surrendered certificate of title, or a copy, in such a manner as to permit the tracing of title of the snowmobile or ATV.

§ 7712.6. Suspension and cancellation of certificate of title.

(a) Return of new snowmobile or ATV.--The department may cancel the certificate of title issued for a new snowmobile or ATV if it is shown by satisfactory evidence that the snowmobile or ATV has been returned to the dealer from whom obtained.

(b) Snowmobile or ATV sold to nonresidents.--The department may cancel a certificate of title for a snowmobile or ATV sold to a resident of another state or foreign country if the snowmobile or ATV is to be registered in the other jurisdiction.

(c) Surrender of Pennsylvania certificate in other jurisdiction.--The department, upon receipt of notification from another state or foreign country that a certificate of title issued by the department has been surrendered by the owner in conformity with the laws of the other state or foreign country, may cancel the certificate of title.

(d) Surrender of foreign certificate to department.--If an owner surrenders a certificate of title from another state or foreign country to the department, the department may notify the state or foreign country so that the certificate of title may be canceled or otherwise disposed of in accordance with the law of the other jurisdiction.

(e) Conviction for misstatement of facts.--The department, upon receipt of certification from the clerk of a court showing conviction for a misstatement of facts on an application for an

1 original or duplicate certificate of title or a transfer of a  
2 certificate of title, shall suspend the certificate of title and  
3 require that it be returned to the department within ten days of  
4 notice by the department, whereupon the department may cancel  
5 it.

6 (f) Nonpayment of fee.--The department may suspend or cancel  
7 a certificate of title when a check received in payment of the  
8 fee is not paid on demand or when the fee for the certificate is  
9 unpaid and owing.

10 (g) Security interest unaffected by suspension or  
11 cancellation.--Suspension or cancellation of a certificate of  
12 title does not, in itself, affect the validity of a security  
13 interest noted on the certificate.

14 (h) Surrender of certificate.--The department may request  
15 the return of a certificate of title which has been suspended or  
16 canceled. The owner or person in possession of the certificate  
17 of title shall, within ten days of the date of request by the  
18 department, mail or deliver the certificate to the department.

19 § 7712.7. Application for certificate of title by agent.

20 (a) Authorization to apply.--No person may apply for a  
21 certificate of title on behalf of another person unless  
22 authorization to do so is in effect and is verified by oath or  
23 affirmation of the other person, made, except as between lessors  
24 and fleet owners as lessees, not more than 15 days before the  
25 application is received by the department. A lessor may  
26 authorize a fleet owner to apply for a certificate of title for  
27 a leased snowmobile or ATV for a period of up to one year.

28 (b) Certificate not to be assigned in blank.--No person may  
29 apply for, or assign or physically possess, a certificate of  
30 title, or direct or allow another person in his employ or

1 control to apply for, or assign or physically possess, a  
2 certificate of title, unless the name of the transferee is  
3 placed on the assignment of certificate of title simultaneously  
4 with the name of the transferor and duly notarized.

5 (c) Persons authorized to hold certificate.--No person may  
6 receive, obtain or hold a certificate of title recorded in the  
7 name of another person for the other person who is not in the  
8 regular employ of, or not a member of the family of, the other  
9 person, unless the person receiving, obtaining or holding the  
10 certificate of title has a valid undischarged security interest  
11 recorded in the department against the snowmobile or ATV  
12 represented by the certificate of title.

13 (d) Penalty.--A person who violates this section commits a  
14 summary offense and shall, upon conviction, be sentenced to pay  
15 a fine of \$100 and costs of prosecution.

16 § 7712.8. Perfection of security interest in a snowmobile or  
17 ATV.

18 (a) Applicability of section.--Except as otherwise provided  
19 in 13 Pa.C.S. §§ 9311(d) (relating to perfection of security  
20 interests in property subject to certain statutes, regulations  
21 and treaties), 9315(c) and (d) (relating to secured party's  
22 rights on disposition of collateral and in proceeds) and 9316(d)  
23 and (e) (relating to continued perfection of security interest  
24 following change in governing law), this section provides the  
25 exclusive method of perfecting a security interest in a  
26 snowmobile or ATV for which a certificate of title is required  
27 under this subchapter.

28 (b) Snowmobiles or ATVs without Pennsylvania certificate of  
29 title.--If an owner creates a security interest in a snowmobile  
30 or ATV for which a certificate of title has not been issued by

1 the department, the owner shall, at the request of the secured  
2 party, promptly execute an application for a certificate of  
3 title on a form prescribed by the department showing the name  
4 and address of the secured party. The owner shall tender the  
5 application, the existing certificate of title, if any, and the  
6 required fee to the department. A security interest in a  
7 snowmobile or ATV is perfected at the time that such  
8 application, existing certificate of title, if any, and required  
9 fee are received by the department.

10 (c) Snowmobiles or ATVs with Pennsylvania certificate of  
11 title.--If an owner creates a security interest in a snowmobile  
12 or ATV for which a certificate of title has been issued by the  
13 department, the owner shall, at the request of the secured  
14 party, promptly execute an application on a form prescribed by  
15 the department showing the name and address of the secured  
16 party. The owner shall tender the certificate of title, together  
17 with the application and the required fee, to the department. A  
18 security interest in a snowmobile or ATV is perfected at the  
19 time such application, certificate of title and required fee are  
20 received by the department.

21 (d) Certificate of title in possession of secured party.--  
22 Upon request of the owner or a subordinate secured party, a  
23 secured party in possession of the certificate of title shall  
24 mail or deliver the certificate to the department or, upon  
25 receipt from the subordinate secured party of the application of  
26 the owner and the required fee, shall mail or deliver them to  
27 the department with the certificate of title. The delivery of  
28 the certificate to the department does not affect the rights of  
29 the first secured party under his security agreement.

30 (e) Indorsement and delivery of certificate of title.--Upon

receipt of the application, existing certificate of title, if any, and required fee, the department shall indorse on the existing certificate of title or the new certificate that it issues the names and addresses of all secured parties and shall mail the certificate of title to the first secured party named in the certificate.

§ 7712.9. Satisfaction of security interest.

(a) Satisfaction of secured obligation.--Unless otherwise agreed by the owner, within 15 days of the satisfaction of the obligation secured by a security interest in a snowmobile or ATV, the secured party shall mail or deliver the certificate of title to the owner or to the department with a statement of satisfaction signed by the secured party. Upon receipt of the certificate of title and statement of satisfaction, the department shall issue a corrected certificate of title without an indorsement of such secured party's security interest and mail the same to the holder of the first remaining security interest or, if there is no remaining security interest, the owner.

(b) Satisfaction of subordinate secured obligation.--If the certificate of title for a snowmobile or ATV is in the possession of a prior secured party, the subordinate secured party whose obligation is satisfied shall mail or deliver to the owner a signed statement of satisfaction in accordance with subsection (a). Upon request of the owner and receipt of the statement of satisfaction, the secured party in possession of the certificate of title shall mail or deliver the certificate of title, together with the statement of satisfaction, to the department. Upon receipt of the certificate of title and evidence of satisfaction, the department shall issue a corrected

1 certificate of title without an indorsement of the satisfied  
2 security interest and mail the same to the prior secured party.

3 (c) Penalties.--Any person violating the provisions of this  
4 section commits a summary offense and shall, upon conviction, be  
5 sentenced to pay a fine of \$50.

6 § 7712.10. Release of security interest.

7 A secured party that releases a security interest in a  
8 snowmobile or ATV shall mail or deliver the certificate of title  
9 to the owner with a statement of release signed by the secured  
10 party, or the secured party may apply to the department for a  
11 corrected certificate of title to be issued in the name of the  
12 owner. Upon receipt of the certificate of title and statement of  
13 release, the department shall issue a corrected certificate of  
14 title without an indorsement of such secured party and mail the  
15 same to the holder of the first remaining security interest or,  
16 if there is no remaining secured party, the owner.

17 § 7712.11. Effectiveness of security interests.

18 A security interest perfected in accordance with this  
19 subchapter is perfected until the secured party provides written  
20 evidence of satisfaction in accordance with section 7712.9  
21 (relating to satisfaction of security interest) or release in  
22 accordance with section 7712.10 (relating to release of security  
23 interest) and the indorsement of the security interest is  
24 removed by the department pursuant to section 7712.9 or 7712.10.

25 § 7712.12. Assignment by secured party of security interest.

26 (a) General rule.--A secured party may assign, absolutely or  
27 otherwise, his security interest in a snowmobile or ATV to a  
28 person other than the owner without affecting the interest of  
29 the owner or the validity or perfection of the security  
30 interest.



1     (b) Duty of assignee.--An assignee who desires to become the  
2     secured party of record shall mail or deliver to the department  
3     the certificate of title and an assignment by the secured party  
4     named on the certificate of title on a form prescribed by the  
5     department accompanied by the required fee. Upon receipt of the  
6     certificate of title, assignment and fee, the department shall  
7     issue a corrected certificate of title naming the assignee as  
8     secured party.

9     (c) Division 9.--The provisions of this section are subject  
10    to 13 Pa.C.S. § 9308(e) (relating to when security interest or  
11    agricultural lien is perfected; continuity of perfection).

12    § 7712.13. Exemptions.

13    The provisions of this subchapter relating to procedures for  
14    perfecting, assigning and satisfying security interests do not  
15    apply to:

16         (1) a lien given by statute or rule of law to a supplier  
17         of services or materials for the snowmobile or ATV;

18         (2) a lien given by statute to the United States, the  
19         Commonwealth or any political subdivision of the  
20         Commonwealth;

21         (3) a security interest in a snowmobile or ATV described  
22         in 13 Pa.C.S. § 9311(d) (relating to perfection of security  
23         interests in property subject to certain statutes,  
24         regulations and treaties); or

25         (4) a snowmobile or ATV for which a certificate of title  
26         is not required under this subchapter.

27    § 7715.1. Snowmobile or ATV purchased from dealer.

28    (a) General rule.--If a snowmobile or ATV is purchased from  
29    a dealer, the dealer shall mail or deliver to the department an  
30    application for a registration certificate or limited

registration certificate, an application for certificate of title, any other required forms and the required fees within 15 days of the date of purchase.

(b) Penalty.--A dealer who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300 and costs of prosecution or to be imprisoned for not more than 90 days, or both. In addition, if a dealer violates subsection (a), the department may suspend or revoke the registration issued under section 7711 (relating to registration of dealers).

§ 7715.2. Fees.

(a) Fees.--Except as provided in subsection (b), the department shall collect the following fees:

(1) Certificate of title, \$22.50.

(2) Expiration sticker, \$20.

(3) Dealer registration, \$25.

(4) Replacement, due to loss or damage, of registration certificate, limited registration certificate, registration decal, registration plate or expiration sticker, \$5.

(5) Transfer of registration pursuant to section 7711.1 (relating to registration of snowmobile or ATV), \$5.

(6) Recording the name of a secured party on a certificate of title, \$5.

(b) Exemptions from fees.--Subsection (a) does not apply to a snowmobile or ATV owned by:

(1) The Commonwealth.

(2) A political subdivision of this Commonwealth.

(3) A volunteer organization and used exclusively for emergency purposes.

§ 7716. Records.

The department shall maintain a record, which shall be made available to all enforcement agencies, of:

(1) The registration number for each snowmobile and ATV for which a registration certificate or limited registration certificate is issued.

(2) The name and address of the owner of each snowmobile and ATV for which a registration certificate or limited registration certificate is issued.

§ 7717. Snowmobile and ATV Advisory Committee.

(a) Establishment.--There is hereby established under the jurisdiction of the department a board known as the Snowmobile and ATV Advisory Committee.

(b) Composition.--The committee shall consist of 17 members. The members shall be as follows:

(1) The chairman and minority chairman of the Environmental Resources and Energy Committee of the Senate.

(2) The chairman and minority chairman of the Environmental Resources and Energy Committee of the House of Representatives.

(3) One member from the Pennsylvania Game Commission.

(4) One member from the Allegheny National Forest.

(5) One member from the Pennsylvania State Association of Township Supervisors.

(6) One member from the Pennsylvania State Association of Boroughs.

(7) One member from the Pennsylvania State Association of County Commissioners.

(8) Eight members of the public representing the following organizations to be appointed by the Secretary of Conservation and Natural Resources:

1           (i) Two members from a list of at least six  
2           representatives submitted by the Pennsylvania State  
3           Snowmobile Association.

4           (ii) Two members from a list of at least six  
5           representatives submitted by the Pennsylvania Off-Highway  
6           Vehicle Association.

7           (iii) One member from a list of at least three  
8           representatives submitted by the Pennsylvania Farm  
9           Bureau.

10          (iv) Two members from a list of at least six  
11          representatives submitted by conservation or nonmotorized  
12          recreation organizations.

13          (v) One member from a list of at least three  
14          representatives submitted by the Pennsylvania Travel  
15          Council.

16 Each member may designate an alternate to serve in his stead. A  
17 member shall notify the chairman in writing of this designation.

18       (c) Terms of appointees.--The terms of all members of the  
19 committee appointed by the Secretary of Conservation and Natural  
20 Resources shall be three years. Any member of the committee may  
21 be reappointed for additional terms. A person appointed to fill  
22 a vacancy shall serve for the unexpired term and is eligible for  
23 reappointment.

24       (d) Officers.--The members of the committee shall annually  
25 elect a chairman, a vice chairman and a secretary from among the  
26 public members of the committee.

27       (e) Meetings and expenses.--

28           (1) The committee shall meet at least annually.

29           (2) A public member, including a designee, who misses  
30       three consecutive meetings without good cause acceptable to

1 the chairman may be replaced by the Secretary of Conservation  
2 and Natural Resources.

3 (3) The public members of the committee shall be allowed  
4 actual, necessary and reasonable per diem expenses in  
5 accordance with regulations of the Executive Board. The  
6 department shall provide appropriate staff support to enable  
7 the committee to properly carry out its functions.

8 (f) Powers and duties.--The powers and duties of the  
9 committee shall be to advise the Secretary of Conservation and  
10 Natural Resources on matters concerning the implementation of  
11 this chapter, including existing and proposed regulations,  
12 standards, policies and practices; use and operation of  
13 snowmobiles and ATVs on public and private land; acquisition,  
14 construction, development and maintenance of trails;  
15 enforcement; and allocation of fees collected by the department  
16 pursuant to this chapter.

#### 17 SUBCHAPTER C

#### 18 OPERATION

19 Sec.

20 7721. Operation on streets and highways.

21 7722. Designation of snowmobile and ATV roads.

22 7723. Special snowmobile and ATV events.

23 7724. Operation on private or State property.

24 7725. Operation by persons under age sixteen.

25 7726. Operation in safe manner.

26 7727. Additional limitations on operation.

27 7728. Accidents and accident reports.

28 7729. Liability of owner for negligence.

29 7730. Liability insurance.

30 § 7721. Operation on streets and highways.

1     (a) General rule.--Except as otherwise provided in this  
2 chapter, it is unlawful to operate a snowmobile or an ATV on any  
3 street or highway which is not designated and posted as a  
4 snowmobile or an ATV road by the governmental agency having  
5 jurisdiction.

6     (b) Emergency and bridge crossings.--A snowmobile or an ATV  
7 may be operated on highways and streets:

8         (1) During periods of emergency when so declared by a  
9 policy agency having jurisdiction.

10        (2) When necessary to cross a bridge or culvert.

11     (c) Crossing street or highway.--A snowmobile or an ATV may  
12 make a direct crossing of a street or highway upon compliance  
13 with the following requirements:

14         (1) The crossing is made at an angle of approximately 90  
15 degrees to the direction of the highway and at a place where  
16 no obstruction prevents a quick and safe crossing.

17         (2) The snowmobile or ATV is brought to a complete stop  
18 before crossing the shoulder or main-traveled way of the  
19 highway.

20         (3) The driver yields the right-of-way to all oncoming  
21 traffic which constitutes an immediate hazard.

22         (4) In crossing a divided highway, the crossing is made  
23 only at an intersection of such highway with another public  
24 street or highway.

25 § 7722. Designation of snowmobile and ATV roads.

26     (a) General rule.--The Department of Transportation on  
27 State-designated highways and local authorities on any highway,  
28 road or street within its jurisdiction may designate any  
29 highway, road or street within its jurisdiction as a snowmobile  
30 road or an ATV road, or both, and may, in its discretion,

determine whether such road shall be closed to vehicular traffic or whether snowmobiles and ATVs may share this designated road with vehicular traffic.

(b) Posting notices.--Adequate notices of such designation and determination shall be sufficiently and prominently displayed.

(c) Liability.--There shall be no liability imposed on the Department of Transportation or any other State agency or any political subdivision of this Commonwealth as a result of designating any highway, road or street as a snowmobile road or an ATV road as provided in subsection (a).

§ 7723. Special snowmobile and ATV events.

(a) General rule.--Snowmobiles and ATVs may be operated on highways and streets for special snowmobile and ATV events of limited duration which are conducted according to a prearranged schedule under permit from the governmental agency having jurisdiction.

(b) Authority of local authorities.--A local authority may block off highways and streets within its jurisdiction for the purpose of allowing snowmobile and ATV races, rallies or derbies. No State trunk highway or connecting street, or part thereof, shall be blocked off by any local authority for any snowmobile or ATV race, rally or derby.

(c) Notification and duty of police.--A local authority shall notify the local police department and the county sheriff's office at least one week in advance of the time and place of any snowmobile or ATV race, rally or derby which may result in any highway or street, or part thereof, being blocked off. Upon such notice, the local police department shall take such measures as it deems appropriate to protect persons and

property and to regulate traffic in the designated area and its vicinity on the day of such race, rally or derby.

§ 7724. Operation on private or State property.

(a) Private real property.--

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

(2) When a person operates a snowmobile or an ATV in a manner as to violate 75 Pa.C.S. § 3717 (relating to trespass by motor vehicle), the applicable fines, penalties and suspensions provided in Title 75 (relating to vehicles) for violation of 75 Pa.C.S. § 3717 shall apply to this subsection.

(b) State property.--

(1) No person shall operate a snowmobile or an ATV on State-owned property except on clearly marked and previously designated snowmobile or ATV routes or as expressly permitted by the Commonwealth.

(2) (i) The department may designate any road within a State Park or State Forest over which the department has jurisdiction as a snowmobile road or an ATV road, or both, and may, in its discretion, determine whether the road shall be closed to vehicular traffic or whether snowmobiles and ATVs may share the designated road with vehicular traffic. Adequate notices of such designation



1 and determination shall be sufficiently and prominently  
2 displayed.

3 (ii) No person shall operate a snowmobile or ATV on  
4 State park or State forest land except as follows:

5 (A) A person may operate a snowmobile on a road,  
6 trail or area that is designated and marked by the  
7 department as open for snowmobile use or on which the  
8 person has been given specific written permission to  
9 operate the snowmobile.

10 (B) A person may operate a Class I ATV on a  
11 road, trail or area that is designated and marked by  
12 the department as open for ATV use or on which the  
13 person has been given specific written permission to  
14 operate the ATV.

15 (C) A person may operate a Class II ATV on a  
16 road, trail or area if the person has been given  
17 specific written permission by the department to  
18 operate a Class II ATV on the road, trail or area.

19 § 7725. Operation by persons under age sixteen.

20 (a) Crossing street or highway.--No person under 16 years of  
21 age shall drive a snowmobile or an ATV across any highway or  
22 connecting street thereto unless he is under the direct  
23 supervision of a person 18 years of age or older and unless he  
24 holds a valid and appropriate safety certificate from the  
25 Commonwealth or a valid and approved certificate issued under  
26 the authority of another state or Province of Canada. The  
27 department shall determine what certificates will be approved.

28 (b) Operation of an ATV by persons under eight years of  
29 age.--No person under eight years of age shall operate an ATV  
30 upon State-owned land.

1     (b.1) ATV size restrictions.--An ATV operated in this  
2     Commonwealth by a person eight or nine years of age shall have  
3     an engine size of 70cc or less.

4     (b.2) Operation of a snowmobile by persons under ten years  
5     of age.--No person under ten years of age shall operate a  
6     snowmobile upon State-owned land.

7     (c) Snowmobile and ATV safety certification.--No person 8 to  
8     15 years of age shall operate an ATV and no person between 10  
9     and 15 years of age shall operate a snowmobile in this  
10    Commonwealth unless the person satisfies one of the following  
11    conditions:

12         (1) Is under the direct supervision of a certified  
13         snowmobile or ATV safety instructor during a safety training  
14         course.

15         (2) Is on land owned or leased by a parent or legal  
16         guardian.

17         (3) Has received safety training as prescribed by the  
18         department and has received the appropriate safety  
19         certificate issued by the department.

20         (4) Holds an appropriate safety certificate issued under  
21         the authority of another state or Province of Canada and  
22         recognized by the department.

23     (d) Failure to exhibit certificate.--The failure of such a  
24     youthful operator to exhibit the appropriate safety certificate,  
25     upon demand, to any law enforcement officer having authority to  
26     enforce the provisions of this section shall be presumptive  
27     evidence that such person is not the holder of such certificate.

28     (e) Permitting unauthorized operation.--No owner of a  
29     snowmobile or an ATV shall authorize or permit the operation  
30     thereof within this Commonwealth by any person under 16 years of

age unless the person under 16 years of age is the holder of a valid and appropriate safety certificate, or except as authorized in subsections (b), (b.2) and (c).

(f) Certification of snowmobile safety instructors.--The department may certify snowmobile or ATV safety instructors to act as its agents in conducting classes and examinations and issuing snowmobile or ATV safety certificates in its name.

(g) Operation on snowmobile and ATV roads.--No person under 16 years of age may operate a snowmobile or an ATV on streets or highways designated under section 7722 (relating to designation of snowmobile and ATV roads) as open to snowmobile or ATV and vehicular traffic. A person under 16 years of age who holds the appropriate safety certificate may operate a snowmobile or an ATV on roads designated under section 7724(b) (relating to operation on private or State property) as open to snowmobile or ATV and vehicular traffic, provided he is under the direct supervision of a person 18 years of age or older.

(h) Snowmobile and ATV safety program.--The department shall implement a comprehensive snowmobile and ATV information, safety education and training program which shall include the preparation and dissemination of information and safety advice to the public and training of operators. The program shall provide for the training of youthful operators and for the issuance of snowmobile or ATV safety certificates to those who successfully complete the training provided under the program.

(i) Cooperation with other organizations.--In implementing a program which is established under this section, the department shall cooperate with private organizations and associations, private and public corporations, the Department of Education and local governmental units. The department shall consult with

snowmobile, ATV and environmental organizations and associations  
in regard to subject matter of a training program that leads to  
certification of snowmobile and ATV operators.

§ 7726. Operation in safe manner.

(a) General rule.--No person shall operate a snowmobile or  
an ATV in any of the following ways:

(1) At a rate of speed that is unreasonable or improper  
under existing conditions or in excess of the maximum limits  
posted for vehicular traffic.

(2) In any careless way so as to endanger the person or  
property of another.

(3) While under the influence of alcohol or any  
controlled substance.

(b) Permitting unsafe operation.--No owner or other person  
having charge or control of a snowmobile or an ATV shall  
knowingly authorize or permit the operation of the snowmobile or  
ATV by any person who is incapable to do so by reason of age,  
physical or mental disability, or who is under the influence of  
alcohol or any controlled substance.

(c) Operation on highways and streets open to snowmobiles or  
ATVs and vehicular traffic.--No person shall operate a  
snowmobile or ATV in any of the following ways on highways and  
streets open to snowmobiles or ATVs and vehicular traffic:

(1) Upon the left side of highways or streets, except  
one-way streets, or as specified in paragraph (2).

(2) Ride two snowmobiles or ATVs abreast. Snowmobiles  
and ATVs shall be operated in single file except when  
overtaking another vehicle. The driver of any vehicle  
overtaking another vehicle proceeding in the same direction  
shall pass at a safe distance to the left thereof until

safely clear of such overtaken vehicle. Nothing in this section shall be construed to prohibit a driver overtaking the passing upon the right of another vehicle which is making or about to make a left turn. The driver of a vehicle shall not drive to the left side of the center of a highway in overtaking or passing another vehicle proceeding in the same direction, unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking or passing to be made in safety.

(3) Turn to the right or left at an intersection or stop or decrease speed at an intersection without signaling as stated in this paragraph. The driver shall extend his hand and arm from the left side of the vehicle in the following manner to indicate as stated:

(i) Left turn or other vehicle movement toward left, hand and arm extended horizontally.

(ii) Right turn or other vehicle movement toward right, left hand and arm extended outward and pointed upward from the elbow.

(iii) Stop or decrease speed, either the left or right hand and arm extended upward.

(4) Disobey any traffic signal or signs placed in accordance with Title 75 (relating to vehicles) unless otherwise directed by a peace officer.

(5) Without a securely fastened helmet on the head of an individual who operates or is a passenger on a snowmobile or ATV or who is being towed or otherwise propelled by a snowmobile. The department shall specify the types of helmets allowed through rules and regulations.

§ 7727. Additional limitations on operation.

1 Except as otherwise permitted under Title 34 (relating to  
2 game), no person shall:

3 (1) Operate or ride in any snowmobile or ATV with any  
4 bow and arrows or with any firearm in his possession unless  
5 it is unstrung or unloaded.

6 (2) Drive or pursue any game or wildlife with a  
7 snowmobile or an ATV.

8 § 7728. Accidents and accident reports.

9 (a) Duty to stop and provide information.--Whenever any  
10 snowmobile or ATV is involved in an accident resulting in loss  
11 of life, personal injury or damage to property and the operator  
12 thereof has knowledge of such accident, he shall stop and give  
13 his name and address, the name and address of the owner thereof  
14 and the registration number of the snowmobile or ATV to the  
15 injured person or the person sustaining the damage or to a  
16 police officer. In case no police officer nor the person  
17 sustaining the damage is present at the place where the damage  
18 occurred, then the operator shall immediately report, as soon as  
19 he is physically able, the accident to the nearest law  
20 enforcement agency.

21 (b) Report of accident to department.--The operator of any  
22 snowmobile or ATV involved in any accident resulting in injuries  
23 to or death of any person or resulting in property damage to the  
24 estimated amount of \$100 or more shall, within seven days after  
25 such accident, report the matter in writing to the department.  
26 If the operator is physically incapable of making the report and  
27 there is another participant in the accident not so  
28 incapacitated, the participant shall make the report within the  
29 prescribed period of time after the accident. In the event that  
30 there is no other participant and the operator is other than the

1 owner, then the owner shall within the prescribed period of  
2 time, after learning of the facts of such accident, report the  
3 matter to the department, together with such information as may  
4 have come to his knowledge relating to such accident. Every  
5 operator or owner of a snowmobile or an ATV in an accident, or  
6 surviving participant of any such accident, shall make such  
7 other and additional reports as the department shall require.

8 (c) Report by law enforcement officer.--A law enforcement  
9 officer who investigates or receives information of an accident  
10 involving a snowmobile or an ATV shall make a written report of  
11 the investigation or information received, and such additional  
12 facts relating to the accident as may come to his knowledge, and  
13 mail the same within 48 hours to the department and keep a  
14 record thereof in his office.

15 (d) Exception.--This section does not apply when property  
16 damage is sustained in sanctioned snowmobile or ATV races,  
17 derbies and rallies.

18 § 7729. Liability of owner for negligence.

19 (a) General rule.--Negligence in the use or operation of a  
20 snowmobile or an ATV is attributable to the owner. Every owner  
21 of a snowmobile or an ATV used or operated in this Commonwealth  
22 shall be liable and responsible for death or injury to person or  
23 damage to property resulting from negligence in the use or  
24 operation of such snowmobile or ATV by any person using or  
25 operating the snowmobile or ATV with the permission, express or  
26 implied, of such owner.

27 (b) Exception.--The negligence of the operator shall not be  
28 attributed to the owner as to any claim or cause of action  
29 accruing to the operator or his legal representative for such  
30 injuries or death.

1 § 7730. Liability insurance.

2 (a) Requirement.--A snowmobile or ATV for which registration  
3 is required under this chapter shall have liability insurance  
4 coverage for the snowmobile or ATV issued by an insurance  
5 carrier authorized to do business in this Commonwealth. This  
6 subsection does not apply to limited registrations.

7 (b) Proof of insurance.--Proof of insurance as required by  
8 this section shall be produced and displayed by the owner or  
9 operator of such snowmobile or ATV upon the request of any  
10 magistrate or any person having authority to enforce the  
11 provisions of this chapter or to any person who has suffered or  
12 claims to have suffered either personal injury or property  
13 damage as a result of the operation of such snowmobile or ATV.  
14 It shall be an affirmative defense to any prosecution for a  
15 violation of this section that such proof was so produced within  
16 72 hours of receiving notice of such violation, injury or damage  
17 or the claim of such injury or damage.

18 (c) Owner's responsibility.--No owner of a snowmobile or ATV  
19 shall operate or permit the same to be operated without having  
20 in full force and effect liability insurance coverage required  
21 by this section. The operator of a snowmobile or ATV shall carry  
22 proof of insurance on his person or on the snowmobile or ATV  
23 when it is in operation.

24 (d) Penalty.--A person who violates subsection (a) or (c)  
25 commits a summary offense and shall, upon conviction, be  
26 sentenced to pay a fine of \$300 and costs of prosecution and, in  
27 default of payment of the fine or costs, shall be imprisoned for  
28 not more than ten days.

29 SUBCHAPTER D

30 EQUIPMENT



1 Sec.

2 7741. Head lamps and tail lamps.

3 7742. Brakes.

4 7743. Mufflers and noise control.

5 § 7741. Head lamps and tail lamps.

6 (a) Time of operation.--Every snowmobile or ATV operated  
7 during hours of darkness shall display a lighted head lamp and  
8 tail lamp. The lights shall be in operation during the period of  
9 from one-half hour after sunset to one-half hour before sunrise  
10 and at any time when, due to insufficient light or unfavorable  
11 atmospheric conditions caused by fog or otherwise, other  
12 persons, vehicles and other objects are not clearly discernible  
13 for a distance of 500 feet ahead.

14 (b) Head lamp requirements.--The head lamp shall display  
15 white light of sufficient illuminating power to reveal any  
16 person, vehicle or substantial object at a distance of 100 feet  
17 ahead.

18 (1) If the snowmobile or ATV is equipped with a multiple  
19 beam head lamp, the upper beam shall meet the minimum  
20 requirements set forth in this section, and the lowermost  
21 beam shall be so aimed and of sufficient intensity to reveal  
22 persons and vehicles at a distance of at least 50 feet ahead.

23 (2) If the snowmobile or ATV is equipped with a single  
24 beam head lamp, the lamp shall be so aimed that when the  
25 vehicle is loaded none of the high intensity portion of the  
26 light, at a distance of 75 feet ahead, projects higher than  
27 the level of the center of the lamp from which it comes.

28 (c) Tail lamp requirements.--The tail lamp shall display a  
29 red light plainly visible during darkness from a distance of 500  
30 feet.

1   § 7742. Brakes.

2       (a) Snowmobiles.--It is unlawful to operate a snowmobile  
3   which is not equipped with at least one brake of a design  
4   approved by the department operated either by hand or by foot,  
5   capable of bringing the snowmobile to a stop, under normal  
6   conditions, within 40 feet when traveling at a speed of 20 miles  
7   per hour with a 150 pound driver and on hard packed snow, or  
8   locking its traction belt or belts. The design shall permit  
9   simple and easy adjustment to compensate for wear.

10      (b) ATVs.--It is unlawful to operate an ATV which is not  
11   equipped with a braking system which may be operated by hand or  
12   foot, capable of producing deceleration of 14 feet per second on  
13   level ground at a speed of 20 miles per hour, and the design  
14   must permit simple and easy adjustment to compensate for wear.

15   § 7743. Mufflers and noise control.

16      (a) General rule.--It is unlawful to operate a snowmobile or  
17   an ATV which is not equipped at all times with a muffler in good  
18   working order which blends the exhaust noise into the overall  
19   snowmobile or ATV noise and is in constant operation to prevent  
20   excessive or unusual noise. The exhaust system shall not emit or  
21   produce a sharp popping or crackling sound. The sound intensity  
22   produced by a snowmobile shall not exceed 82dbA when measured in  
23   accordance with SAE Recommended Practice J 192 Exterior Sound  
24   Level for Snowmobiles, as amended. The department may by  
25   regulation adopt more stringent noise requirements for  
26   snowmobiles. The department shall by regulation adopt noise  
27   requirements for in-use operation of ATVs using measurement  
28   procedures in accordance with ANSI/SAE Recommended Practice J  
29   1287 March 1982, Measurement of Exhaust Level of Stationary  
30   Motorcycles. The sound level intensity produced by an ATV shall

1 not exceed 99dba, or decibels, when measured at 20 inches.

2 (b) Modified mufflers prohibited.--It is unlawful to modify  
3 a muffler or to operate a snowmobile or an ATV with a modified  
4 muffler so as to increase the sound level of the snowmobile or  
5 ATV above the level allowed by this section.

6 (c) Exception.--This section does not apply to organized  
7 races or similar competitive events.

8 SUBCHAPTER E

9 MISCELLANEOUS PROVISIONS

10 Sec.

11 7751. Enforcement personnel and procedures.

12 7752. Penalties for violation of chapter.

13 7753. Actions for collection of penalties.

14 § 7751. Enforcement personnel and procedures.

15 (a) Duty of enforcement.--Every law enforcement officer in  
16 this Commonwealth and designated officers and employees of the  
17 department shall enforce the provisions of this chapter.

18 (b) Forms and procedures.--The department may prescribe the  
19 form of summons or complaint, or both, in all cases involving a  
20 violation of any provision of this chapter or of any ordinance,  
21 rule or regulation relating to snowmobiles or ATVs, or of any  
22 class or category of such cases, and may establish procedures  
23 for proper administrative controls over the disposition thereof.

24 (c) Records and reports.--The chief executive officer of  
25 each local police force, sheriffs and the Commissioner of the  
26 Pennsylvania State Police shall prepare or cause to be prepared  
27 such records and reports as may be prescribed under this  
28 section.

29 (d) Rules and regulations.--The department may promulgate  
30 such rules and regulations as may be deemed necessary to

1 accomplish the purposes and enforce the provisions of this  
2 section, including requirements for reporting by trial courts  
3 having jurisdiction over snowmobile and ATV violations.

4 § 7752. Penalties for violation of chapter.

5 (a) General rule.--Except as provided in subsections (c) and  
6 (d) and unless otherwise provided in this chapter, a person who  
7 violates this chapter commits a summary offense and shall, upon  
8 conviction:

9 (1) For a first offense, be sentenced to pay a fine of  
10 not less than \$50 nor more than \$200 and costs of prosecution  
11 and, in default of the payment of the fine or costs, shall be  
12 imprisoned for not more than ten days.

13 (2) For a subsequent offense, be sentenced to pay a fine  
14 of not less than \$100 nor more than \$300 and costs of  
15 prosecution and, in default of the payment of the fine or  
16 costs, shall be imprisoned for not more than 30 days.

17 (c) Unauthorized disposition of forms.--A person who  
18 disposes of a summons or complaint issued pursuant to this  
19 chapter in a manner other than that prescribed by law, rule or  
20 regulation commits a misdemeanor of the third degree.

21 (d) Registration.--

22 (1) A person who violates section 7711.1 (relating to  
23 registration of snowmobile or ATV) or 7711.2 (relating to  
24 limited registration of snowmobile or ATV) by failing to  
25 obtain the required registration certificate or limited  
26 registration certificate commits a summary offense and shall,  
27 upon conviction, be sentenced to pay a fine of \$300 or to be  
28 imprisoned for 90 days, or both, and costs of prosecution.  
29 Proceedings for a summary offense under this paragraph must  
30 be commenced within 60 days after commission of the alleged

1 offense or within 60 days after discovery of the commission  
2 of the offense or the identity of the offender, whichever is  
3 later.

4 (2) A person who violates section 7711.1 or 7711.2 by  
5 failing to properly display the required registration decal  
6 or plate commits a summary offense and shall, upon  
7 conviction, be sentenced to pay a fine of \$50 and costs of  
8 prosecution.

9 (3) A person who violates section 7711.1 by failing to  
10 properly display the required expiration sticker or by  
11 failing to carry the required registration certificate  
12 commits a summary offense and shall, upon conviction, be  
13 sentenced to pay a fine of \$50 and costs of prosecution.

14 § 7753. Actions for collection of penalties.

15 (a) General rule.--An action to recover any penalty imposed  
16 under the provisions of this chapter may be brought in any court  
17 of competent jurisdiction in this Commonwealth on order of the  
18 department and in the name of the Commonwealth. In any such  
19 action all penalties incurred up to the time of commencing the  
20 action may be sued for and recovered in such action, and the  
21 commencement of an action to recover any such penalty shall not  
22 be or be held to be a waiver of the right to recover any other  
23 penalty. In case of recovery of any amount in an action brought  
24 to recover any such penalty, the Commonwealth shall be entitled  
25 to recover full costs and at the rates provided for civil  
26 actions.

27 (b) Duty and liability of witnesses.--No person shall be  
28 excused from testifying or producing any books, papers or other  
29 documents in any civil action to recover any such penalty, upon  
30 the ground that his testimony might tend to convict him of an

1 offense or subject him to a penalty or forfeiture. No person  
2 shall be prosecuted, punished or subjected to any penalty of  
3 forfeiture for or on account of any such act, transaction,  
4 matter or thing concerning which he shall, under oath, have  
5 testified or produced documentary evidence, and no testimony so  
6 given or produced shall be received against him upon any  
7 criminal investigation or proceeding. No person so testifying  
8 shall be exempt from prosecution or punishment for any perjury  
9 committed by him in his testimony. This subsection is not  
10 intended to give, and shall not be construed as in any manner  
11 giving, unto any corporation immunity of any kind.

12 (c) Plea of guilty.--A defendant charged with a violation of  
13 any provision of this chapter may himself plead guilty to the  
14 charge in open court. He may also submit to the judge having  
15 jurisdiction, in person, by duly authorized agent, or by  
16 registered mail, a statement setting forth the following:

17 (1) That he waives arraignment in open court and the aid  
18 of counsel.

19 (2) That he pleads guilty to the offense as charged.

20 (3) That he elects and requests that the charge be  
21 disposed of and the fine or penalty fixed by the court.

22 (4) Any explanation that he desires to make concerning  
23 the offense charged.

24 (5) That he makes all statements under penalty of  
25 perjury.

26 Thereupon the judge may proceed as though the defendant had been  
27 convicted upon a plea of guilty in open court. Any imposition of  
28 fine or penalty under this section shall be deemed tentative  
29 until the fine or penalty has been paid and discharged in full.  
30 If, upon receipt of the statement, the judge shall deny the

1 same, he shall thereupon notify the defendant of this fact and  
2 that he is required to appear before the judge at a stated time  
3 and place to answer the charge which shall thereafter be  
4 disposed of pursuant to the applicable provisions of law.

5 (d) Statement of disposition of case.--Subject to any  
6 inconsistent procedures and standards relating to reports and  
7 transmission of funds prescribed pursuant to Title 42 (relating  
8 to judiciary and judicial procedure), the court before whom any  
9 person shall be tried shall, at the termination of the trial or  
10 proceeding, forthwith mail or deliver to the department at  
11 Harrisburg a certified statement of the disposition of the case  
12 or proceeding giving the date thereof, the name of the  
13 defendant, the date and place of the violation, the name of each  
14 witness sworn in support of the charges and the amount of the  
15 fine or penalty paid.

16 (e) Section not exclusive.--This section:

17 (1) Does not prohibit the prosecution of violations of  
18 this chapter in any court of competent jurisdiction in the  
19 same manner as other offenses.

20 (2) Is subject to any inconsistent general rules  
21 relating to actions for the collection of fines and  
22 penalties.

23 Section 2. Sections 3571(b)(1) and 3573(b)(2) of Title 42  
24 are amended to read:

25 § 3571. Commonwealth portion of fines, etc.

26 \* \* \*

27 (b) Vehicle offenses.--

28 (1) All fines, forfeited recognizances and other  
29 forfeitures imposed, lost or forfeited in connection with  
30 matters arising under Chapter 77 of Title [75] 32 (relating

to snowmobiles and all-terrain vehicles) shall unless otherwise provided in Chapter 77 of Title [75] 32 be payable to the Commonwealth.

\* \* \*

§ 3573. Municipal corporation portion of fines, etc.

\* \* \*

(b) Vehicle offenses.--

\* \* \*

(2) Except as provided in paragraph (3), when prosecution under any other provision of Title 75 [(except Chapter 77 (relating to snowmobiles))] is the result of local police action, one-half of all fines, forfeited recognizances and other forfeitures imposed, lost or forfeited shall be payable to the municipal corporation under which the local police are organized.

\* \* \*

Section 3. Chapter 77 of Title 75 is repealed:

[§ 7701. Short title of chapter.

This chapter shall be known and may be cited as the Snowmobile and All-Terrain Vehicle Law.

§ 7702. Definitions.

The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"All-terrain vehicle" or "ATV." A motorized off-highway vehicle which travels on three or more inflatable tires and which has:

(1) a maximum width of 50 inches and a maximum dry weight of 800 pounds; or

(2) a width which exceeds 50 inches or a dry weight



1       which exceeds 800 pounds.  
2   ATV's described in paragraph (1) may be referred to as Class I  
3   ATV's, and ATV's described in paragraph (2) may be referred to  
4   as Class II ATV's. This term does not include snowmobiles, trail  
5   bikes, motorboats, golf carts, aircraft, dune buggies,  
6   automobiles, construction machines, trucks or home utility  
7   machines; military, fire, emergency and law enforcement  
8   vehicles; implements of husbandry; multipurpose agricultural  
9   vehicles; vehicles used by the department; or any vehicle that  
10   is or is required to be registered under Chapter 13 (relating to  
11   registration of vehicles). In addition, this term does not  
12   include off-road motor vehicles used exclusively as utility  
13   vehicles for agricultural or business operations and  
14   incidentally operated or moved upon the highway.

15       "Dealer." A person engaged in the business of selling  
16   snowmobiles or all-terrain vehicles at wholesale or retail who  
17   is registered or required to be registered under section 7711  
18   (relating to registration of dealers).

19       "Department." The Department of Conservation and Natural  
20   Resources of the Commonwealth.

21       "Head lamp." A major lighting device used to provide general  
22   illumination ahead of a vehicle.

23       "Highway." The entire width between the boundary lines of  
24   every way publicly maintained when any part thereof is open to  
25   the use of the public for purposes of vehicular travel.

26       "Snowmobile." An engine-driven vehicle which is all of the  
27   following:

28           (1) Is designed to travel over snow or ice.

29           (2) Has an endless belt track or tracks.

30           (3) Is steered by a ski or skis.

1           (4) Has an overall width of 48 inches or less.

2 The term does not include a farm tractor, construction  
3 equipment, military vehicle, vehicle with inflatable tires or  
4 machinery used strictly for the grooming of snowmobile trails.

5 "Street." A highway, other than an alley, within the  
6 corporate limits of a political subdivision.

7 "Tail lamp." A device to designate the rear of a vehicle by  
8 a warning light.

9 § 7703. Applicability of chapter.

10 This chapter does not apply to law enforcement officers while  
11 engaged in the performance of their official duties.

12 § 7704. Rules and regulations.

13 The department may promulgate such rules and regulations as  
14 may be necessary to carry out the provisions of this chapter.

15 § 7705. Records and reports.

16 The provisions of Subchapter B of Chapter 63 (relating to  
17 records of traffic cases) relating to records and reports shall  
18 be applicable to proceedings under this chapter.

19 § 7706. Restricted account.

20 (a) Deposit and use of moneys.--

21 (1) The department shall deposit the following into a  
22 restricted account, which is hereby established:

23 (i) all moneys received from the registration of and  
24 issuance of certificates of title for snowmobiles and  
25 ATV's;

26 (ii) all revenue from the sale of any publications  
27 or services relating to snowmobiles and ATV's; and

28 (iii) all fines, penalties, fees and costs assessed  
29 and collected as a result of enforcement activities  
30 conducted by the department's law enforcement personnel

1 under this chapter.

2 (2) The department shall draw moneys from the restricted  
3 account for use in performing any activities necessary to  
4 carry out the purposes of this chapter, including  
5 registration and certificate of title activities, training,  
6 education, enforcement activities, construction and  
7 maintenance of snowmobile and ATV trails and acquisition of  
8 equipment, supplies and interests in land. All moneys  
9 deposited in this account shall remain in it to be used as  
10 specified in this section.

11 (3) The provisions of 42 Pa.C.S. § 3573(b)(2) (relating  
12 to municipal corporation portion of fines, etc.)  
13 notwithstanding, when prosecution under this chapter is the  
14 result of local police action, all fines, penalties, fees and  
15 costs assessed as a result of such prosecution shall be  
16 payable to the municipal corporation under which the local  
17 police are organized.

18 (b) Grant-in-aid.--The department shall, upon written  
19 application and subsequent approval, grant money from the  
20 restricted account:

21 (1) To municipalities and profit and nonprofit  
22 organizations in connection with snowmobile and ATV use on  
23 lands not owned by the Commonwealth for the following:

24 (i) Plans, specifications and engineering surveys.

25 (ii) Fees and costs related to the preparation or  
26 performance of right-of-way lease agreements.

27 (iii) Land acquisition.

28 (iv) Construction, maintenance and rehabilitation of  
29 trails and other facilities for snowmobiles and ATV's.

30 (2) To municipalities and profit and nonprofit

1 organizations for equipment, training and education  
2 activities relating to snowmobile and ATV use.

3 (3) To profit and nonprofit organizations for the  
4 maintenance and rehabilitation, but not the construction, of  
5 snowmobile and ATV trails on land owned by the Commonwealth.

6 (c) Audit of moneys.--The restricted account shall be  
7 audited every two years. Copies of the audit shall be provided  
8 to the Snowmobile and ATV Advisory Committee.

9 § 7711. Registration of dealers.

10 (a) General rule.--A person who is in the business of  
11 selling snowmobiles or ATV's in this Commonwealth shall register  
12 with the department as a dealer. A person who is in the business  
13 of selling snowmobiles or ATV's outside this Commonwealth may  
14 register with the department as a dealer.

15 (b) Issuance.--Upon receipt of an application upon a form  
16 prescribed and furnished by the department which shall contain  
17 information reasonably required by the department and which  
18 shall be accompanied by the required fee, the department shall  
19 issue to a dealer:

20 (1) An annual dealer registration certificate containing  
21 a dealer registration number and expiration date.

22 (2) Three annual dealer registration plates displaying  
23 the expiration date of the dealer registration.

24 (3) Three annual dealer plate registration cards  
25 displaying the expiration date of the dealer registration.

26 (c) Registration not transferable.--A dealer registration  
27 certificate, dealer registration plate and dealer plate  
28 registration card are not transferable.

29 (d) Expiration of registration.--A dealer registration  
30 certificate, dealer registration plate and dealer plate

1 registration card expire effective the day after the expiration  
2 date displayed on them. A dealer registration certificate,  
3 dealer registration plate or dealer plate registration card that  
4 has expired is not valid.

5 (e) Use of dealer registration plates.--A dealer may operate  
6 or permit to be operated within this Commonwealth a snowmobile  
7 or ATV owned by or in the possession of the dealer if:

8 (1) A valid dealer registration certificate issued to  
9 the dealer under this section is displayed conspicuously in  
10 the dealer's place of business.

11 (2) The operator carries a valid dealer registration  
12 card issued to the dealer under this section.

13 (3) There is displayed on the snowmobile or ATV in a  
14 manner prescribed by the department a valid dealer  
15 registration plate issued to the dealer under this section.

16 (4) The snowmobile or ATV is operated only for the  
17 purpose of demonstration or testing in connection with the  
18 dealer's business.

19 § 7711.1. Registration of snowmobile or ATV.

20 (a) General rule.--Except as otherwise provided in  
21 subsection (f), it is unlawful for a person to operate or for an  
22 owner to permit another person to operate a snowmobile or an ATV  
23 unless:

24 (1) There is carried on the snowmobile or ATV a valid  
25 registration certificate issued therefor pursuant to  
26 subsection (b).

27 (2) There is displayed on the snowmobile a registration  
28 decal, or on the ATV a registration plate, issued therefor  
29 pursuant to subsection (b).

30 (3) The display of the registration decal or plate is in

1 the manner prescribed by the department.

2 (4) There is displayed on the snowmobile or ATV a valid  
3 expiration sticker issued therefor pursuant to subsection  
4 (b).

5 (5) The display of the expiration sticker is in the  
6 manner prescribed by the department.

7 (b) Issuance.--Upon receipt of an application therefor upon  
8 a form prescribed and furnished by the department which shall  
9 contain information reasonably required by the department and  
10 which shall be accompanied by the required fee, the department  
11 shall issue to the owner of a snowmobile or ATV:

12 (1) A biennial registration certificate containing the  
13 registration number for the snowmobile or ATV and the  
14 expiration date of the registration.

15 (2) A registration decal displaying the registration  
16 number for a snowmobile or a registration plate displaying  
17 the registration number for an ATV.

18 (3) A biennial expiration sticker displaying the  
19 expiration date of the registration.

20 (c) Temporary registration.--Temporary registration for a  
21 period not to exceed 45 days may be issued by a dealer as  
22 prescribed by the department. Proof of temporary registration  
23 shall be carried and displayed as prescribed by the department.

24 (d) Expiration of registration.--

25 (1) Except as provided in paragraph (2), a registration  
26 certificate and an expiration sticker shall expire effective  
27 the day after the expiration date appearing on the  
28 registration certificate and expiration sticker.

29 (2) Upon transfer of ownership of a snowmobile or ATV  
30 during a registration period, the registration certificate

1 and expiration sticker shall expire. The transferor shall,  
2 within 15 days from the date of transfer, return to the  
3 department the registration certificate with the date of  
4 transfer and the name and address of the new owner endorsed  
5 on the back. If the transferor applies for registration of a  
6 different snowmobile or ATV and pays the required transfer  
7 fee, the transferor may be issued in the name of the  
8 transferor a registration certificate and expiration sticker  
9 for that snowmobile or ATV for the remainder of the  
10 registration period without payment of a registration fee.  
11 The registration decal or plate shall not be removed from a  
12 snowmobile or ATV upon transfer to the new owner and is  
13 invalid until the new owner is issued a registration  
14 certificate or limited registration certificate for the  
15 snowmobile or ATV.

16 (3) An expired general registration certificate and an  
17 expired expiration sticker are invalid.

18 (e) Suspension or revocation.--If a person violates this  
19 chapter or is convicted of any offense under this chapter, the  
20 department may suspend or revoke a registration certificate and  
21 an expiration sticker. A suspended or revoked registration  
22 certificate or expiration sticker is invalid.

23 (f) Exemptions from registration.--Subsection (a) does not  
24 apply if:

25 (1) The snowmobile or ATV is owned by or in the  
26 possession of a dealer who has been issued a dealer  
27 registration certificate, dealer registration plates and  
28 dealer plate registration cards under section 7711 (relating  
29 to registration of dealers), the dealer is in compliance with  
30 section 7711 and the snowmobile or ATV is used in accordance

1 with section 7711.

2 (2) The snowmobile or ATV is owned and used by the  
3 United States or another state or a political subdivision  
4 thereof, in which case the snowmobile or ATV shall display  
5 the name of the owner in a manner prescribed by the  
6 department.

7 (3) The snowmobile or ATV is operated on land owned or  
8 leased by the owner or operator of the snowmobile or ATV and  
9 it is not operated elsewhere within this Commonwealth.

10 (4) The owner of the snowmobile or ATV is not a resident  
11 of this Commonwealth and the operator presents proof that the  
12 snowmobile or ATV has been properly registered in another  
13 jurisdiction that exempts from its registration requirements  
14 persons who have obtained proper registration under this  
15 chapter.

16 § 7711.2. Limited registration of snowmobile or ATV.

17 (a) General rule.--It is unlawful for a person to operate or  
18 for an owner to permit another person to operate a snowmobile or  
19 ATV identified in section 7711.1(f)(3) (relating to registration  
20 of snowmobile or ATV) unless:

21 (1) A limited registration certificate has been issued  
22 therefor pursuant to subsection (b).

23 (2) There is displayed on the snowmobile a valid  
24 registration decal or on the ATV a valid registration plate  
25 issued pursuant to subsection (b).

26 (3) The display of the registration decal or plate is in  
27 the manner prescribed by the department.

28 (b) Issuance.--Upon receipt of an application therefor upon  
29 a form prescribed and furnished by the department which shall  
30 contain information reasonably required by the department, the



department shall issue to the owner of a snowmobile or ATV for which limited registration is required under subsection (a):

(1) A limited registration certificate containing the registration number for the snowmobile or ATV.

(2) A registration decal displaying the registration number for a snowmobile or a registration plate displaying the registration number for an ATV.

(c) Temporary limited registration.--Temporary limited registration for a period not to exceed 45 days may be issued by a dealer as prescribed by the department. Proof of temporary limited registration shall be displayed as prescribed by the department.

(d) Transfer of ownership.--Upon transfer of ownership of a snowmobile or ATV for which a limited registration certificate has been issued, the limited registration certificate shall become invalid. The transferor shall, within 15 days from the date of transfer, return to the department the limited registration certificate with the date of transfer and the name and address of the new owner endorsed on the back. The registration decal or plate shall not be removed from the snowmobile or ATV upon transfer to the new owner and is invalid until the new owner obtains a registration certificate or limited registration certificate for the snowmobile or ATV.

(e) Suspension or revocation.--If a person violates this chapter or is convicted of any offense under this chapter, the department may suspend or revoke a limited registration certificate. A suspended or revoked limited registration certificate is invalid.

§ 7712.1. Certificate of title for snowmobile or ATV.

(a) General rule.--Except as otherwise provided in

1 subsection (b), an owner of a snowmobile or ATV which is in this  
2 Commonwealth and for which no certificate of title has been  
3 issued shall apply to the department for a certificate of title.

4 (b) Exemptions from titling.--No certificate of title is  
5 required for:

6 (1) A snowmobile or ATV that was registered prior to the  
7 effective date of this section.

8 (2) A snowmobile or ATV owned by the United States  
9 unless a general registration certificate has been issued  
10 therefor.

11 (3) A new snowmobile or ATV owned by a dealer before and  
12 until sale.

13 (4) A snowmobile or ATV owned by a nonresident of this  
14 Commonwealth and not required by law to be registered in this  
15 Commonwealth.

16 (5) A snowmobile or ATV owned by a resident of this  
17 Commonwealth and required by law to be registered in another  
18 state, based and used principally outside of this  
19 Commonwealth and not required by law to be registered in this  
20 Commonwealth.

21 (c) Contents of application.--Application for a certificate  
22 of title shall be made upon a form prescribed and furnished by  
23 the department and shall contain a full description of the  
24 snowmobile or ATV, date of purchase, the name and address of the  
25 owner, a statement of the title of applicant, together with any  
26 other information or documents the department requires to  
27 identify the snowmobile or ATV and to enable the department to  
28 determine whether the owner is entitled to a certificate of  
29 title.

30 (d) Signing and filing of application.--Application for a

1 certificate of title shall be made within 15 days of the sale or  
2 transfer of a snowmobile or ATV or its entry into this  
3 Commonwealth from another jurisdiction, whichever is later. The  
4 application shall be accompanied by the required fee and any tax  
5 payable by the applicant under the laws of this Commonwealth in  
6 connection with the acquisition or use of a snowmobile or ATV or  
7 evidence to show that the tax has been paid or collected. The  
8 application shall be signed and verified by oath or affirmation  
9 by the applicant if a natural person; in the case of an  
10 association or partnership, by a member or a partner; and in the  
11 case of a corporation, by an executive officer or person  
12 specifically authorized by the corporation to sign the  
13 application.

14 (g) Registration without certificate of title prohibited.--  
15 Except as provided in subsection (b), the department shall not  
16 issue a registration certificate or limited registration  
17 certificate for a snowmobile or ATV unless a certificate of  
18 title has been issued by the department to the owner or an  
19 application for a certificate of title has been delivered by the  
20 owner to the department.

21 (h) Refusing issuance of certificate of title.--The  
22 department may refuse issuance of a certificate of title if it  
23 has reasonable grounds to believe any one of the following:

24 (1) A required fee has not been paid.

25 (2) Any taxes payable under the laws of this  
26 Commonwealth on or in connection with, or resulting from the  
27 acquisition or use of, the snowmobile or ATV have not been  
28 paid.

29 (3) The applicant is not the owner of the snowmobile or  
30 ATV.

1           (4) The application contains a false or fraudulent  
2 statement.

3           (5) The applicant has failed to furnish required  
4 information or documents or any additional information the  
5 department reasonably requires.

6           (j) Transfer of ownership of snowmobile or ATV.--

7           (1) Upon the sale or transfer of ownership of a  
8 snowmobile or ATV within this Commonwealth, the owner shall  
9 execute an assignment and warranty of title to the transferee  
10 in the space provided on the certificate of title or as the  
11 department prescribes, sworn to before a notary public or  
12 other officer empowered to administer oaths, and deliver the  
13 certificate to the transferee at the time of the delivery of  
14 the snowmobile or ATV.

15           (2) Except as otherwise provided in section 7715.1  
16 (relating to snowmobile or ATV purchased from dealer), the  
17 transferee shall, within 15 days of the assignment of the  
18 certificate of title, apply for a new title by forwarding to  
19 the department the certificate of title executed as required  
20 by paragraph (1), a properly completed application for  
21 certificate of title, sworn to before a notary public or  
22 other officer empowered to administer oaths, and such other  
23 forms as the department may require.

24           (k) Penalty.--A person who violates subsection (a) commits a  
25 summary offense and shall, upon conviction, be sentenced:

26           (1) For a first offense, to pay a fine of \$100 and costs  
27 of prosecution.

28           (2) For a subsequent offense, to pay a fine of not less  
29 than \$300 nor more than \$1,000 and costs of prosecution.

30 § 7712.2. Transfer to or from dealer.

1 (a) Transfer to dealer.--If a dealer acquires a snowmobile  
2 or ATV for the purpose of resale, a certificate of title need  
3 not be applied for as provided for in section 7712.1 (relating  
4 to certificate of title for snowmobile or ATV), but the dealer  
5 shall, within seven days from the date of acquisition, forward  
6 to the department, upon a form prescribed and furnished by the  
7 department, notification of the acquisition of the snowmobile or  
8 ATV.

9 (b) Execution and display of notice of transfer.--A dealer  
10 making notification pursuant to subsection (a) shall execute at  
11 least three copies of the notification, the original of which  
12 shall be forwarded to the department, one copy to accompany the  
13 snowmobile or ATV in any subsequent transfer and one copy to be  
14 retained by the dealer for at least one year after a subsequent  
15 transfer, to be exhibited, with the assigned certificate of  
16 title, upon request of a police officer or authorized department  
17 employee.

18 (c) Transfer from dealer.--Except as otherwise provided in  
19 subsection (a), if a dealer transfers the dealer's interest in a  
20 snowmobile or ATV:

21 (1) The dealer shall execute an assignment and warranty  
22 of title to the transferee in the space provided on the  
23 certificate of title or as the department prescribes.

24 (2) The transferee shall complete the application for  
25 certificate of title in the name of the transferee, sworn to  
26 before a notary public or other officer empowered to  
27 administer oaths.

28 (3) The dealer shall forward to the department the  
29 certificate of title executed as required by paragraph (1), a  
30 properly completed application for certificate of title and

1 such other forms as the department may require within 15 days  
2 of the transfer.

3 (d) Exception for repossessed snowmobiles or ATV's.--This  
4 section does not apply to a snowmobile or ATV repossessed upon  
5 default of performance of a lease, contract of conditional sale  
6 or similar agreement.

7 (e) Penalty and suspension or revocation of dealer  
8 registration.--A dealer who violates this section commits a  
9 summary offense and shall, upon conviction, be sentenced to pay  
10 a fine of \$50. If a dealer violates this section, the department  
11 may suspend or revoke the registration issued under section 7711  
12 (relating to registration of dealers).

13 § 7712.3. Transfer of snowmobile or ATV by operation of law.

14 (a) General rule.--If the interest of an owner in a  
15 snowmobile or ATV passes to another other than by voluntary  
16 transfer, the transferee shall, except as otherwise provided,  
17 promptly mail or deliver to the department the last certificate  
18 of title, if available, and shall apply for a new certificate of  
19 title on a form prescribed and furnished by the department. The  
20 application shall be accompanied by such instruments or  
21 documents of authority, or certified copies thereof, as may be  
22 sufficient or required by law to evidence or effect a transfer  
23 of title or interest in or to chattels in such case.

24 (b) Transfer to surviving spouse.--Transfer of a certificate  
25 of title to a surviving spouse, or a person designated by the  
26 spouse, may be made without the necessity of filing for letters  
27 of administration, notwithstanding the fact that there are minor  
28 children surviving the decedent, if the surviving spouse files  
29 an affidavit that all debts of the decedent have been paid.

30 (c) Surrender of certificate.--A person holding a

1 certificate of title, whose interest in a snowmobile or ATV has  
2 been extinguished or transferred other than by voluntary  
3 transfer, shall immediately surrender the certificate of title  
4 to the person to whom the right to possession of the snowmobile  
5 or ATV has passed. Upon request of the department, such person  
6 shall mail or deliver the certificate to the department.  
7 Delivery of the certificate pursuant to the request of the  
8 department does not affect the rights of the person surrendering  
9 the certificate.

10 § 7712.4. Correction of certificate of title.

11 (a) General rule.--When a certificate of title has been  
12 issued in error to a person not entitled to it or contains  
13 incorrect information, or information has been omitted from the  
14 certificate, the department shall notify in writing the person  
15 to whom the certificate has been issued or delivered, and such  
16 person shall return the certificate within 48 hours, together  
17 with any other information necessary for the adjustment of the  
18 department records, and upon receipt of the certificate, the  
19 department shall cancel the certificate and issue a corrected  
20 certificate.

21 (b) Change in material information on certificate.--If any  
22 material information on the certificate of title is changed or  
23 different from the information originally set forth, the owner  
24 shall immediately inform the department and apply for a  
25 corrected certificate. For the purposes of this subsection, a  
26 change of address is not deemed material.

27 (c) Seizure of certificate on conviction.--Upon summary  
28 conviction for violation of this section, the department may  
29 delegate authority to a department employee or police officer to  
30 seize the certificate of title.

1 § 7712.5. Issuance of new certificate following transfer.

2 (a) Voluntary transfer.--The department, upon receipt of a  
3 properly assigned certificate of title with an application for a  
4 new certificate of title, the required fee and any other  
5 required documents and articles, shall issue a new certificate  
6 of title in the name of the transferee as owner and mail it to  
7 the first secured party named in the certificate or, if none, to  
8 the owner.

9 (b) Involuntary transfer.--The department, upon receipt of  
10 an application for a new certificate of title by a transferee  
11 other than by voluntary transfer, on a form prescribed and  
12 furnished by the department together with proof satisfactory to  
13 the department of the transfer, the required fee and any other  
14 required documents and articles, shall issue a new certificate  
15 of title in the name of the transferee as owner.

16 (c) Filing and retention of surrendered certificate.--The  
17 department shall file and retain for five years a surrendered  
18 certificate of title, or a copy, in such a manner as to permit  
19 the tracing of title of the snowmobile or ATV.

20 § 7712.6. Suspension and cancellation of certificate of title.

21 (a) Return of new snowmobile or ATV.--The department may  
22 cancel the certificate of title issued for a new snowmobile or  
23 ATV if it is shown by satisfactory evidence that the snowmobile  
24 or ATV has been returned to the dealer from whom obtained.

25 (b) Snowmobile or ATV sold to nonresidents.--The department  
26 may cancel a certificate of title for a snowmobile or ATV sold  
27 to a resident of another state or foreign country if the  
28 snowmobile or ATV is to be registered in the other jurisdiction.

29 (c) Surrender of Pennsylvania certificate in other  
30 jurisdiction.--The department, upon receipt of notification from



1 another state or foreign country that a certificate of title  
2 issued by the department has been surrendered by the owner in  
3 conformity with the laws of the other state or foreign country,  
4 may cancel the certificate of title.

5 (d) Surrender of foreign certificate to department.--If an  
6 owner surrenders a certificate of title from another state or  
7 foreign country to the department, the department may notify the  
8 state or foreign country so that the certificate of title may be  
9 canceled or otherwise disposed of in accordance with the law of  
10 the other jurisdiction.

11 (e) Conviction for misstatement of facts.--The department,  
12 upon receipt of certification from the clerk of a court showing  
13 conviction for a misstatement of facts on an application for an  
14 original or duplicate certificate of title or a transfer of a  
15 certificate of title, shall suspend the certificate of title and  
16 require that it be returned to the department within ten days of  
17 notice by the department, whereupon the department may cancel  
18 it.

19 (f) Nonpayment of fee.--The department may suspend or cancel  
20 a certificate of title when a check received in payment of the  
21 fee is not paid on demand or when the fee for the certificate is  
22 unpaid and owing.

23 (g) Security interest unaffected by suspension or  
24 cancellation.--Suspension or cancellation of a certificate of  
25 title does not, in itself, affect the validity of a security  
26 interest noted on the certificate.

27 (h) Surrender of certificate.--The department may request  
28 the return of a certificate of title which has been suspended or  
29 canceled. The owner or person in possession of the certificate  
30 of title shall, within ten days of the date of request by the

1 department, mail or deliver the certificate to the department.

2 § 7712.7. Application for certificate of title by agent.

3 (a) Authorization to apply.--No person may apply for a  
4 certificate of title on behalf of another person unless  
5 authorization to do so is in effect and is verified by oath or  
6 affirmation of the other person, made, except as between lessors  
7 and fleet owners as lessees, not more than 15 days before the  
8 application is received by the department. A lessor may  
9 authorize a fleet owner to apply for a certificate of title for  
10 a leased snowmobile or ATV for a period of up to one year.

11 (b) Certificate not to be assigned in blank.--No person may  
12 apply for, or assign or physically possess, a certificate of  
13 title, or direct or allow another person in his employ or  
14 control to apply for, or assign or physically possess, a  
15 certificate of title, unless the name of the transferee is  
16 placed on the assignment of certificate of title simultaneously  
17 with the name of the transferor and duly notarized.

18 (c) Persons authorized to hold certificate.--No person may  
19 receive, obtain or hold a certificate of title recorded in the  
20 name of another person for the other person who is not in the  
21 regular employ of, or not a member of the family of, the other  
22 person, unless the person receiving, obtaining or holding the  
23 certificate of title has a valid undischarged security interest  
24 recorded in the department against the snowmobile or ATV  
25 represented by the certificate of title.

26 (d) Penalty.--A person who violates this section commits a  
27 summary offense and shall, upon conviction, be sentenced to pay  
28 a fine of \$100 and costs of prosecution.

29 § 7712.8. Perfection of security interest in a snowmobile or  
30 ATV.

1       (a) Applicability of section.--Except as otherwise provided  
2 in 13 Pa.C.S. §§ 9311(d) (relating to perfection of security  
3 interests in property subject to certain statutes, regulations  
4 and treaties), 9315(c) and (d) (relating to secured party's  
5 rights on disposition of collateral and in proceeds) and 9316(d)  
6 and (e) (relating to continued perfection of security interest  
7 following change in governing law), this section provides the  
8 exclusive method of perfecting a security interest in a  
9 snowmobile or ATV for which a certificate of title is required  
10 under this subchapter.

11       (b) Snowmobiles or ATV's without Pennsylvania certificate of  
12 title.--If an owner creates a security interest in a snowmobile  
13 or ATV for which a certificate of title has not been issued by  
14 the department, the owner shall, at the request of the secured  
15 party, promptly execute an application for a certificate of  
16 title on a form prescribed by the department showing the name  
17 and address of the secured party. The owner shall tender the  
18 application, the existing certificate of title, if any, and the  
19 required fee to the department. A security interest in a  
20 snowmobile or ATV is perfected at the time that such  
21 application, existing certificate of title, if any, and required  
22 fee are received by the department.

23       (c) Snowmobiles or ATV's with Pennsylvania certificate of  
24 title.--If an owner creates a security interest in a snowmobile  
25 or ATV for which a certificate of title has been issued by the  
26 department, the owner shall, at the request of the secured  
27 party, promptly execute an application on a form prescribed by  
28 the department showing the name and address of the secured  
29 party. The owner shall tender the certificate of title, together  
30 with the application and the required fee, to the department. A

1 security interest in a snowmobile or ATV is perfected at the  
2 time such application, certificate of title and required fee are  
3 received by the department.

4 (d) Certificate of title in possession of secured party.--  
5 Upon request of the owner or a subordinate secured party, a  
6 secured party in possession of the certificate of title shall  
7 mail or deliver the certificate to the department or, upon  
8 receipt from the subordinate secured party of the application of  
9 the owner and the required fee, shall mail or deliver them to  
10 the department with the certificate of title. The delivery of  
11 the certificate to the department does not affect the rights of  
12 the first secured party under his security agreement.

13 (e) Indorsement and delivery of certificate of title.--Upon  
14 receipt of the application, existing certificate of title, if  
15 any, and required fee, the department shall indorse on the  
16 existing certificate of title or the new certificate that it  
17 issues the names and addresses of all secured parties and shall  
18 mail the certificate of title to the first secured party named  
19 in the certificate.

20 § 7712.9. Satisfaction of security interest.

21 (a) Satisfaction of secured obligation.--Unless otherwise  
22 agreed by the owner, within 15 days of the satisfaction of the  
23 obligation secured by a security interest in a snowmobile or  
24 ATV, the secured party shall mail or deliver the certificate of  
25 title to the owner or to the department with a statement of  
26 satisfaction signed by the secured party. Upon receipt of the  
27 certificate of title and statement of satisfaction, the  
28 department shall issue a corrected certificate of title without  
29 an indorsement of such secured party's security interest and  
30 mail the same to the holder of the first remaining security

1 interest or, if there is no remaining security interest, the  
2 owner.

3 (b) Satisfaction of subordinate secured obligation.--If the  
4 certificate of title for a snowmobile or ATV is in the  
5 possession of a prior secured party, the subordinate secured  
6 party whose obligation is satisfied shall mail or deliver to the  
7 owner a signed statement of satisfaction in accordance with  
8 subsection (a). Upon request of the owner and receipt of the  
9 statement of satisfaction, the secured party in possession of  
10 the certificate of title shall mail or deliver the certificate  
11 of title, together with the statement of satisfaction, to the  
12 department. Upon receipt of the certificate of title and  
13 evidence of satisfaction, the department shall issue a corrected  
14 certificate of title without an indorsement of the satisfied  
15 security interest and mail the same to the prior secured party.

16 (c) Penalties.--Any person violating the provisions of this  
17 section commits a summary offense and shall, upon conviction, be  
18 sentenced to pay a fine of \$50.

19 § 7712.10. Release of security interest.

20 A secured party that releases a security interest in a  
21 snowmobile or ATV shall mail or deliver the certificate of title  
22 to the owner with a statement of release signed by the secured  
23 party, or the secured party may apply to the department for a  
24 corrected certificate of title to be issued in the name of the  
25 owner. Upon receipt of the certificate of title and statement of  
26 release, the department shall issue a corrected certificate of  
27 title without an indorsement of such secured party and mail the  
28 same to the holder of the first remaining security interest or,  
29 if there is no remaining secured party, the owner.

30 § 7712.11. Effectiveness of security interests.

1 A security interest perfected in accordance with this  
2 subchapter is perfected until the secured party provides written  
3 evidence of satisfaction in accordance with section 7712.9  
4 (relating to satisfaction of security interest) or release in  
5 accordance with section 7712.10 (relating to release of security  
6 interest) and the indorsement of the security interest is  
7 removed by the department pursuant to section 7712.9 or 7712.10.  
8 § 7712.12. Assignment by secured party of security interest.

9 (a) General rule.--A secured party may assign, absolutely or  
10 otherwise, his security interest in a snowmobile or ATV to a  
11 person other than the owner without affecting the interest of  
12 the owner or the validity or perfection of the security  
13 interest.

14 (b) Duty of assignee.--An assignee who desires to become the  
15 secured party of record shall mail or deliver to the department  
16 the certificate of title and an assignment by the secured party  
17 named on the certificate of title on a form prescribed by the  
18 department accompanied by the required fee. Upon receipt of the  
19 certificate of title, assignment and fee, the department shall  
20 issue a corrected certificate of title naming the assignee as  
21 secured party.

22 (c) Division 9.--The provisions of this section are subject  
23 to 13 Pa.C.S. § 9308(e) (relating to when security interest or  
24 agricultural lien is perfected; continuity of perfection).  
25 § 7712.13. Exemptions.

26 The provisions of this subchapter relating to procedures for  
27 perfecting, assigning and satisfying security interests do not  
28 apply to:

29 (1) a lien given by statute or rule of law to a supplier  
30 of services or materials for the snowmobile or ATV;

1           (2) a lien given by statute to the United States, the  
2       Commonwealth or any political subdivision of the  
3       Commonwealth;

4           (3) a security interest in a snowmobile or ATV described  
5       in 13 Pa.C.S. § 9311(d) (relating to perfection of security  
6       interests in property subject to certain statutes,  
7       regulations and treaties); or

8           (4) a snowmobile or ATV for which a certificate of title  
9       is not required under this subchapter.

10 § 7715.1. Snowmobile or ATV purchased from dealer.

11       (a) General rule.--If a snowmobile or ATV is purchased from  
12 a dealer, the dealer shall mail or deliver to the department an  
13 application for a registration certificate or limited  
14 registration certificate, an application for certificate of  
15 title, any other required forms and the required fees within 15  
16 days of the date of purchase.

17       (b) Penalty.--A dealer who violates subsection (a) commits a  
18 summary offense and shall, upon conviction, be sentenced to pay  
19 a fine of \$300 and costs of prosecution or to be imprisoned for  
20 not more than 90 days, or both. In addition, if a dealer  
21 violates subsection (a), the department may suspend or revoke  
22 the registration issued under section 7711 (relating to  
23 registration of dealers).

24 § 7715.2. Fees.

25       (a) Fees.--Except as provided in subsection (b), the  
26 department shall collect the following fees:

27           (1) Certificate of title, \$22.50.

28           (2) Expiration sticker, \$20.

29           (3) Dealer registration, \$25.

30           (4) Replacement, due to loss or damage, of registration

1 certificate, limited registration certificate, registration  
2 decal, registration plate or expiration sticker, \$5.

3 (5) Transfer of registration pursuant to section 7711.1  
4 (relating to registration of snowmobile or ATV), \$5.

5 (6) Recording the name of a secured party on a  
6 certificate of title, \$5.

7 (b) Exemptions from fees.--Subsection (a) does not apply to  
8 a snowmobile or ATV owned by:

9 (1) The Commonwealth.

10 (2) A political subdivision of this Commonwealth.

11 (3) A volunteer organization and used exclusively for  
12 emergency purposes.

13 § 7716. Records.

14 The department shall maintain a record, which shall be made  
15 available to all enforcement agencies, of:

16 (1) The registration number for each snowmobile and ATV  
17 for which a registration certificate or limited registration  
18 certificate is issued.

19 (2) The name and address of the owner of each snowmobile  
20 and ATV for which a registration certificate or limited  
21 registration certificate is issued.

22 § 7717. Snowmobile and ATV Advisory Committee.

23 (a) Establishment.--There is hereby established under the  
24 jurisdiction of the department a board known as the Snowmobile  
25 and ATV Advisory Committee.

26 (b) Composition.--The committee shall consist of 17 members.  
27 The members shall be as follows:

28 (1) The chairman and minority chairman of the  
29 Environmental Resources and Energy Committee of the Senate.

30 (2) The chairman and minority chairman of the



1 Environmental Resources and Energy Committee of the House of  
2 Representatives.

3 (3) One member from the Pennsylvania Game Commission.

4 (4) One member from the Allegheny National Forest.

5 (5) One member from the Pennsylvania State Association  
6 of Township Supervisors.

7 (6) One member from the Pennsylvania State Association  
8 of Boroughs.

9 (7) One member from the Pennsylvania State Association  
10 of County Commissioners.

11 (8) Eight members of the public representing the  
12 following organizations to be appointed by the Secretary of  
13 Conservation and Natural Resources:

14 (i) Two members from a list of at least six  
15 representatives submitted by the Pennsylvania State  
16 Snowmobile Association.

17 (ii) Two members from a list of at least six  
18 representatives submitted by the Pennsylvania Off-Highway  
19 Vehicle Association.

20 (iii) One member from a list of at least three  
21 representatives submitted by the Pennsylvania Farm  
22 Bureau.

23 (iv) Two members from a list of at least six  
24 representatives submitted by conservation or nonmotorized  
25 recreation organizations.

26 (v) One member from a list of at least three  
27 representatives submitted by the Pennsylvania Travel  
28 Council.

29 Each member may designate an alternate to serve in his stead. A  
30 member shall notify the chairman in writing of this designation.

1 (c) Terms of appointees.--The terms of all members of the  
2 committee appointed by the Secretary of Conservation and Natural  
3 Resources shall be three years. Any member of the committee may  
4 be reappointed for additional terms. A person appointed to fill  
5 a vacancy shall serve for the unexpired term and is eligible for  
6 reappointment.

7 (d) Officers.--The members of the committee shall annually  
8 elect a chairman, a vice chairman and a secretary from among the  
9 public members of the committee.

10 (e) Meetings and expenses.--

11 (1) The committee shall meet at least annually.

12 (2) A public member, including a designee, who misses  
13 three consecutive meetings without good cause acceptable to  
14 the chairman may be replaced by the Secretary of Conservation  
15 and Natural Resources.

16 (3) The public members of the committee shall be allowed  
17 actual, necessary and reasonable per diem expenses in  
18 accordance with regulations of the Executive Board. The  
19 department shall provide appropriate staff support to enable  
20 the committee to properly carry out its functions.

21 (f) Powers and duties.--The powers and duties of the  
22 committee shall be to advise the Secretary of Conservation and  
23 Natural Resources on matters concerning the implementation of  
24 this chapter, including existing and proposed regulations,  
25 standards, policies and practices; use and operation of  
26 snowmobiles and ATV's on public and private land; acquisition,  
27 construction, development and maintenance of trails;  
28 enforcement; and allocation of fees collected by the department  
29 pursuant to this chapter.

30 § 7721. Operation on streets and highways.

1 (a) General rule.--Except as otherwise provided in this  
2 chapter, it is unlawful to operate a snowmobile or an ATV on any  
3 street or highway which is not designated and posted as a  
4 snowmobile or an ATV road by the governmental agency having  
5 jurisdiction.

6 (b) Emergency and bridge crossings.--A snowmobile or an ATV  
7 may be operated on highways and streets:

8 (1) During periods of emergency when so declared by a  
9 policy agency having jurisdiction.

10 (2) When necessary to cross a bridge or culvert.

11 (c) Crossing street or highway.--A snowmobile or an ATV may  
12 make a direct crossing of a street or highway upon compliance  
13 with the following requirements:

14 (1) The crossing is made at an angle of approximately 90  
15 degrees to the direction of the highway and at a place where  
16 no obstruction prevents a quick and safe crossing.

17 (2) The snowmobile or ATV is brought to a complete stop  
18 before crossing the shoulder or main-traveled way of the  
19 highway.

20 (3) The driver yields the right-of-way to all oncoming  
21 traffic which constitutes an immediate hazard.

22 (4) In crossing a divided highway, the crossing is made  
23 only at an intersection of such highway with another public  
24 street or highway.

25 § 7722. Designation of snowmobile and ATV roads.

26 (a) General rule.--The Department of Transportation on  
27 State-designated highways and local authorities on any highway,  
28 road or street within its jurisdiction may designate any  
29 highway, road or street within its jurisdiction as a snowmobile  
30 road, an ATV road, or both, and may, in its discretion,

1 determine whether such road shall be closed to vehicular traffic  
2 or whether snowmobiles and ATV's may share this designated road  
3 with vehicular traffic.

4 (b) Posting notices.--Adequate notices of such designation  
5 and determination shall be sufficiently and prominently  
6 displayed.

7 (c) Liability.--There shall be no liability imposed on the  
8 Department of Transportation or any other State agency or any  
9 political subdivision of this Commonwealth as a result of  
10 designating any highway, road or street as a snowmobile road or  
11 an ATV road as provided in subsection (a).

12 § 7723. Special snowmobile and ATV events.

13 (a) General rule.--Snowmobiles and ATV's may be operated on  
14 highways and streets for special snowmobile and ATV events of  
15 limited duration which are conducted according to a prearranged  
16 schedule under permit from the governmental agency having  
17 jurisdiction.

18 (b) Authority of local authorities.--A local authority may  
19 block off highways and streets within its jurisdiction for the  
20 purpose of allowing snowmobile and ATV races, rallies or  
21 derbies. No State trunk highway or connecting street, or part  
22 thereof, shall be blocked off by any local authority for any  
23 snowmobile or ATV race, rally or derby.

24 (c) Notification and duty of police.--A local authority  
25 shall notify the local police department and the county  
26 sheriff's office at least one week in advance of the time and  
27 place of any snowmobile or ATV race, rally or derby which may  
28 result in any highway or street, or part thereof, being blocked  
29 off. Upon such notice, the local police department shall take  
30 such measures as it deems appropriate to protect persons and

property and to regulate traffic in the designated area and its vicinity on the day of such race, rally or derby.

§ 7724. Operation on private or State property.

(a) Private real property.--

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

(2) When a person operates a snowmobile or an ATV in a manner as to violate section 3717 (relating to trespass by motor vehicle), the applicable fines, penalties and suspensions provided in this title for violation of section 3717 shall apply to this subsection.

(b) State property.--

(1) No person shall operate a snowmobile or an ATV on State-owned property except on clearly marked and previously designated snowmobile or ATV routes or as expressly permitted by the Commonwealth.

(2) (i) The department may designate any road within a State Park or State Forest over which the department has jurisdiction as a snowmobile road or an ATV road, or both, and may, in its discretion, determine whether the road shall be closed to vehicular traffic or whether snowmobiles and ATV's may share the designated road with vehicular traffic. Adequate notices of such designation and determination shall be sufficiently and prominently

1 displayed.

2 (ii) No person shall operate a snowmobile or ATV on  
3 State park or State forest land except as follows:

4 (A) A person may operate a snowmobile on a road,  
5 trail or area that is designated and marked by the  
6 department as open for snowmobile use or on which the  
7 person has been given specific written permission to  
8 operate the snowmobile.

9 (B) A person may operate a Class I ATV on a  
10 road, trail or area that is designated and marked by  
11 the department as open for ATV use or on which the  
12 person has been given specific written permission to  
13 operate the ATV.

14 (C) A person may operate a Class II ATV on a  
15 road, trail or area if the person has been given  
16 specific written permission by the department to  
17 operate a Class II ATV on the road, trail or area.

18 § 7725. Operation by persons under age sixteen.

19 (a) Crossing street or highway.--No person under 16 years of  
20 age shall drive a snowmobile or an ATV across any highway or  
21 connecting street thereto unless he is under the direct  
22 supervision of a person 18 years of age or older and unless he  
23 holds a valid and appropriate safety certificate from the  
24 Commonwealth or a valid and approved certificate issued under  
25 the authority of another state or Province of Canada. The  
26 department shall determine what certificates will be approved.

27 (b) Operation of an ATV by persons under eight years of  
28 age.--No person under eight years of age shall operate an ATV  
29 upon State-owned land.

30 (b.1) ATV size restrictions.--An ATV operated in this

1 Commonwealth by a person eight or nine years of age shall have  
2 an engine size of 70cc or less.

3 (b.2) Operation of a snowmobile by persons under ten years  
4 of age.--No person under ten years of age shall operate a  
5 snowmobile upon State-owned land.

6 (c) Snowmobile and ATV safety certification.--No person 8 to  
7 15 years of age shall operate an ATV and no person between 10  
8 and 15 years of age shall operate a snowmobile in this  
9 Commonwealth unless the person satisfies one of the following  
10 conditions:

11 (1) Is under the direct supervision of a certified  
12 snowmobile or ATV safety instructor during a safety training  
13 course.

14 (2) Is on land owned or leased by a parent or legal  
15 guardian.

16 (3) Has received safety training as prescribed by the  
17 department and has received the appropriate safety  
18 certificate issued by the department.

19 (4) Holds an appropriate safety certificate issued under  
20 the authority of another state or Province of Canada and  
21 recognized by the department.

22 (d) Failure to exhibit certificate.--The failure of such a  
23 youthful operator to exhibit the appropriate safety certificate,  
24 upon demand, to any law enforcement officer having authority to  
25 enforce the provisions of this section shall be presumptive  
26 evidence that such person is not the holder of such certificate.

27 (e) Permitting unauthorized operation.--No owner of a  
28 snowmobile or an ATV shall authorize or permit the operation  
29 thereof within this Commonwealth by any person under 16 years of  
30 age unless the person under 16 years of age is the holder of a

1 valid and appropriate safety certificate, or except as  
2 authorized in subsections (b), (b.2) and (c).

3 (f) Certification of snowmobile safety instructors.--The  
4 department may certify snowmobile or ATV safety instructors to  
5 act as its agents in conducting classes and examinations and  
6 issuing snowmobile or ATV safety certificates in its name.

7 (g) Operation on snowmobile and ATV roads.--No person under  
8 16 years of age may operate a snowmobile or an ATV on streets or  
9 highways designated under section 7722 (relating to designation  
10 of snowmobile and ATV roads) as open to snowmobile or ATV and  
11 vehicular traffic. A person under 16 years of age who holds the  
12 appropriate safety certificate may operate a snowmobile or an  
13 ATV on roads designated under section 7724(b) (relating to  
14 operation on private or State property) as open to snowmobile or  
15 ATV and vehicular traffic, provided he is under the direct  
16 supervision of a person 18 years of age or older.

17 (h) Snowmobile and ATV safety program.--The department shall  
18 implement a comprehensive snowmobile and ATV information, safety  
19 education and training program which shall include the  
20 preparation and dissemination of information and safety advice  
21 to the public and training of operators. The program shall  
22 provide for the training of youthful operators and for the  
23 issuance of snowmobile or ATV safety certificates to those who  
24 successfully complete the training provided under the program.

25 (i) Cooperation with other organizations.--In implementing a  
26 program which is established under this section, the department  
27 shall cooperate with private organizations and associations,  
28 private and public corporations, the Department of Education and  
29 local governmental units. The department shall consult with  
30 snowmobile, ATV and environmental organizations and associations



1 in regard to subject matter of a training program that leads to  
2 certification of snowmobile and ATV operators.

3 § 7726. Operation in safe manner.

4 (a) General rule.--No person shall operate a snowmobile or  
5 an ATV in any of the following ways:

6 (1) At a rate of speed that is unreasonable or improper  
7 under existing conditions or in excess of the maximum limits  
8 posted for vehicular traffic.

9 (2) In any careless way so as to endanger the person or  
10 property of another.

11 (3) While under the influence of alcohol or any  
12 controlled substance.

13 (b) Permitting unsafe operation.--No owner or other person  
14 having charge or control of a snowmobile or an ATV shall  
15 knowingly authorize or permit the operation of the snowmobile or  
16 ATV by any person who is incapable to do so by reason of age,  
17 physical or mental disability, or who is under the influence of  
18 alcohol or any controlled substance.

19 (c) Operation on highways and streets open to snowmobiles or  
20 ATV's and vehicular traffic.--No person shall operate a  
21 snowmobile or ATV in any of the following ways on highways and  
22 streets open to snowmobiles or ATV's and vehicular traffic:

23 (1) Upon the left side of highways or streets, except  
24 one-way streets, or as specified in paragraph (2).

25 (2) Ride two snowmobiles or ATV's abreast. Snowmobiles  
26 and ATV's shall be operated in single file except when  
27 overtaking another vehicle. The driver of any vehicle  
28 overtaking another vehicle proceeding in the same direction  
29 shall pass at a safe distance to the left thereof, until  
30 safely clear of such overtaken vehicle. Nothing in this

1 section shall be construed to prohibit a driver overtaking  
2 the passing upon the right of another vehicle which is making  
3 or about to make a left turn. The driver of a vehicle shall  
4 not drive to the left side of the center of a highway in  
5 overtaking or passing another vehicle proceeding in the same  
6 direction, unless the left side is clearly visible and is  
7 free of oncoming traffic for a sufficient distance ahead to  
8 permit the overtaking or passing to be made in safety.

9 (3) Turn to the right or left at an intersection or stop  
10 or decrease speed at an intersection without signaling as  
11 stated in this paragraph. The driver shall extend his hand  
12 and arm from the left side of the vehicle in the following  
13 manner to indicate as stated:

14 (i) Left turn or other vehicle movement toward left,  
15 hand and arm extended horizontally.

16 (ii) Right turn or other vehicle movement toward  
17 right, left hand and arm extended outward and pointed  
18 upward from the elbow.

19 (iii) Stop or decrease speed, either the left or  
20 right hand and arm extended upward.

21 (4) Disobey any traffic signal or signs placed in  
22 accordance with this title unless otherwise directed by a  
23 peace officer.

24 (5) Without a securely fastened helmet on the head of an  
25 individual who operates or is a passenger on a snowmobile or  
26 ATV or who is being towed or otherwise propelled by a  
27 snowmobile. The department shall specify the types of helmets  
28 allowed through rules and regulations.

29 § 7727. Additional limitations on operation.

30 Except as otherwise permitted under Title 34 (relating to

1 game), no person shall:

2 (1) Operate or ride in any snowmobile or ATV with any  
3 bow and arrows or with any firearm in his possession unless  
4 it is unstrung or unloaded.

5 (2) Drive or pursue any game or wildlife with a  
6 snowmobile or an ATV.

7 § 7728. Accidents and accident reports.

8 (a) Duty to stop and provide information.--Whenever any  
9 snowmobile or ATV is involved in an accident resulting in loss  
10 of life, personal injury or damage to property and the operator  
11 thereof has knowledge of such accident, he shall stop and give  
12 his name and address, the name and address of the owner thereof  
13 and the registration number of the snowmobile or ATV to the  
14 injured person or the person sustaining the damage or to a  
15 police officer. In case no police officer nor the person  
16 sustaining the damage is present at the place where the damage  
17 occurred, then the operator shall immediately report, as soon as  
18 he is physically able, the accident to the nearest law  
19 enforcement agency.

20 (b) Report of accident to department.--The operator of any  
21 snowmobile or ATV involved in any accident resulting in injuries  
22 to or death of any person or resulting in property damage to the  
23 estimated amount of \$100 or more shall, within seven days after  
24 such accident, report the matter in writing to the department.  
25 If the operator is physically incapable of making the report and  
26 there is another participant in the accident not so  
27 incapacitated, the participant shall make the report within the  
28 prescribed period of time after the accident. In the event that  
29 there is no other participant and the operator is other than the  
30 owner, then the owner shall within the prescribed period of

1 time, after learning of the facts of such accident, report the  
2 matter to the department, together with such information as may  
3 have come to his knowledge relating to such accident. Every  
4 operator or owner of a snowmobile or an ATV in an accident, or  
5 surviving participant of any such accident, shall make such  
6 other and additional reports as the department shall require.

7 (c) Report by law enforcement officer.--A law enforcement  
8 officer who investigates or receives information of an accident  
9 involving a snowmobile or an ATV shall make a written report of  
10 the investigation or information received, and such additional  
11 facts relating to the accident as may come to his knowledge, and  
12 mail the same within 48 hours to the department and keep a  
13 record thereof in his office.

14 (d) Exception.--This section does not apply when property  
15 damage is sustained in sanctioned snowmobile or ATV races,  
16 derbies and rallies.

17 § 7729. Liability of owner for negligence.

18 (a) General rule.--Negligence in the use or operation of a  
19 snowmobile or an ATV is attributable to the owner. Every owner  
20 of a snowmobile or an ATV used or operated in this Commonwealth  
21 shall be liable and responsible for death or injury to person or  
22 damage to property resulting from negligence in the use or  
23 operation of such snowmobile or ATV by any person using or  
24 operating the snowmobile or ATV with the permission, express or  
25 implied, of such owner.

26 (b) Exception.--The negligence of the operator shall not be  
27 attributed to the owner as to any claim or cause of action  
28 accruing to the operator or his legal representative for such  
29 injuries or death.

30 § 7730. Liability insurance.

1 (a) Requirement.--A snowmobile or ATV for which registration  
2 is required under this chapter shall have liability insurance  
3 coverage for the snowmobile or ATV issued by an insurance  
4 carrier authorized to do business in this Commonwealth. This  
5 subsection does not apply to limited registrations.

6 (b) Proof of insurance.--Proof of insurance as required by  
7 this section shall be produced and displayed by the owner or  
8 operator of such snowmobile or ATV upon the request of any  
9 magistrate or any person having authority to enforce the  
10 provisions of this chapter or to any person who has suffered or  
11 claims to have suffered either personal injury or property  
12 damage as a result of the operation of such snowmobile or ATV.  
13 It shall be an affirmative defense to any prosecution for a  
14 violation of this section that such proof was so produced within  
15 72 hours of receiving notice of such violation, injury or damage  
16 or the claim of such injury or damage.

17 (c) Owner's responsibility.--No owner of a snowmobile or ATV  
18 shall operate or permit the same to be operated without having  
19 in full force and effect liability insurance coverage required  
20 by this section. The operator of a snowmobile or ATV shall carry  
21 proof of insurance on his person or on the snowmobile or ATV  
22 when it is in operation.

23 (d) Penalty.--A person who violates subsection (a) or (c)  
24 commits a summary offense and shall, upon conviction, be  
25 sentenced to pay a fine of \$300 and costs of prosecution and, in  
26 default of payment of the fine or costs, shall be imprisoned for  
27 not more than ten days.

28 § 7741. Head lamps and tail lamps.

29 (a) Time of operation.--Every snowmobile or ATV operated  
30 during hours of darkness shall display a lighted head lamp and

1 tail lamp. The lights shall be in operation during the period of  
2 from one-half hour after sunset to one-half hour before sunrise  
3 and at any time when, due to insufficient light or unfavorable  
4 atmospheric conditions caused by fog or otherwise, other  
5 persons, vehicles and other objects are not clearly discernible  
6 for a distance of 500 feet ahead.

7 (b) Head lamp requirements.--The head lamp shall display  
8 white light of sufficient illuminating power to reveal any  
9 person, vehicle or substantial object at a distance of 100 feet  
10 ahead.

11 (1) If the snowmobile or ATV is equipped with a multiple  
12 beam head lamp, the upper beam shall meet the minimum  
13 requirements set forth in this section and the lowermost beam  
14 shall be so aimed and of sufficient intensity to reveal  
15 persons and vehicles at a distance of at least 50 feet ahead.

16 (2) If the snowmobile or ATV is equipped with a single  
17 beam head lamp, the lamp shall be so aimed that when the  
18 vehicle is loaded none of the high intensity portion of the  
19 light, at a distance of 75 feet ahead, projects higher than  
20 the level of the center of the lamp from which it comes.

21 (c) Tail lamp requirements.--The tail lamp shall display a  
22 red light plainly visible during darkness from a distance of 500  
23 feet.

24 § 7742. Brakes.

25 (a) Snowmobiles.--It is unlawful to operate a snowmobile  
26 which is not equipped with at least one brake of a design  
27 approved by the department operated either by hand or by foot,  
28 capable of bringing the snowmobile to a stop, under normal  
29 conditions, within 40 feet when traveling at a speed of 20 miles  
30 per hour with a 150 pound driver and on hard packed snow, or

1 locking its traction belt or belts. The design shall permit  
2 simple and easy adjustment to compensate for wear.

3 (b) ATV's.--It is unlawful to operate an ATV which is not  
4 equipped with a braking system which may be operated by hand or  
5 foot, capable of producing deceleration of 14 feet per second on  
6 level ground at a speed of 20 miles per hour, and the design  
7 must permit simple and easy adjustment to compensate for wear.  
8 § 7743. Mufflers and noise control.

9 (a) General rule.--It is unlawful to operate a snowmobile or  
10 an ATV which is not equipped at all times with a muffler in good  
11 working order which blends the exhaust noise into the overall  
12 snowmobile or ATV noise and is in constant operation to prevent  
13 excessive or unusual noise. The exhaust system shall not emit or  
14 produce a sharp popping or crackling sound. The sound intensity  
15 produced by a snowmobile shall not exceed 82dbA when measured in  
16 accordance with SAE Recommended Practice J 192 Exterior Sound  
17 Level for Snowmobiles, as amended. The department may by  
18 regulation adopt more stringent noise requirements for  
19 snowmobiles. The department shall by regulation adopt noise  
20 requirements for in-use operation of ATV's using measurement  
21 procedures in accordance with ANSI/SAE Recommended Practice J  
22 1287 March 1982, Measurement of Exhaust Level of Stationary  
23 Motorcycles. The sound level intensity produced by an ATV shall  
24 not exceed 99dbA, or decibels, when measured at 20 inches.

25 (b) Modified mufflers prohibited.--It is unlawful to modify  
26 a muffler or to operate a snowmobile or an ATV with a modified  
27 muffler so as to increase the sound level of the snowmobile or  
28 ATV above the level allowed by this section.

29 (c) Exception.--This section does not apply to organized  
30 races or similar competitive events.

1 § 7751. Enforcement personnel and procedures.

2 (a) Duty of enforcement.--Every law enforcement officer in  
3 this Commonwealth and designated officers and employees of the  
4 department shall enforce the provisions of this chapter.

5 (b) Forms and procedures.--The department may prescribe the  
6 form of summons or complaint, or both, in all cases involving a  
7 violation of any provision of this chapter or of any ordinance,  
8 rule or regulation relating to snowmobiles or ATV's, or of any  
9 class or category of such cases, and may establish procedures  
10 for proper administrative controls over the disposition thereof.

11 (c) Records and reports.--The chief executive officer of  
12 each local police force, sheriffs and the Commissioner of the  
13 Pennsylvania State Police shall prepare or cause to be prepared  
14 such records and reports as may be prescribed under this  
15 section.

16 (d) Rules and regulations.--The department may promulgate  
17 such rules and regulations as may be deemed necessary to  
18 accomplish the purposes and enforce the provisions of this  
19 section including requirements for reporting by trial courts  
20 having jurisdiction over snowmobile and ATV violations.

21 § 7752. Penalties for violation of chapter.

22 (a) General rule.--Except as provided in subsections (c) and  
23 (d) and unless otherwise provided in this chapter, a person who  
24 violates this chapter commits a summary offense and shall, upon  
25 conviction:

26 (1) For a first offense, be sentenced to pay a fine of  
27 not less than \$50 nor more than \$200 and costs of prosecution  
28 and, in default of the payment of the fine or costs, shall be  
29 imprisoned for not more than ten days.

30 (2) For a subsequent offense, be sentenced to pay a fine



1 of not less than \$100 nor more than \$300 and costs of  
2 prosecution and, in default of the payment of the fine or  
3 costs, shall be imprisoned for not more than 30 days.

4 (c) Unauthorized disposition of forms.--A person who  
5 disposes of a summons or complaint issued pursuant to this  
6 chapter in a manner other than that prescribed by law, rule or  
7 regulation commits a misdemeanor of the third degree.

8 (d) Registration.--

9 (1) A person who violates section 7711.1 (relating to  
10 registration of snowmobile or ATV) or 7711.2 (relating to  
11 limited registration of snowmobile or ATV) by failing to  
12 obtain the required registration certificate or limited  
13 registration certificate commits a summary offense and shall,  
14 upon conviction, be sentenced to pay a fine of \$300 or to be  
15 imprisoned for 90 days, or both, and costs of prosecution.  
16 Proceedings for a summary offense under this paragraph must  
17 be commenced within 60 days after commission of the alleged  
18 offense or within 60 days after discovery of the commission  
19 of the offense or the identity of the offender, whichever is  
20 later.

21 (2) A person who violates section 7711.1 or 7711.2 by  
22 failing to properly display the required registration decal  
23 or plate commits a summary offense and shall, upon  
24 conviction, be sentenced to pay a fine of \$50 and costs of  
25 prosecution.

26 (3) A person who violates section 7711.1 by failing to  
27 properly display the required expiration sticker or by  
28 failing to carry the required registration certificate  
29 commits a summary offense and shall, upon conviction, be  
30 sentenced to pay a fine of \$50 and costs of prosecution.

1 § 7753. Actions for collection of penalties.

2 (a) General rule.--An action to recover any penalty imposed  
3 under the provisions of this chapter may be brought in any court  
4 of competent jurisdiction in this Commonwealth on order of the  
5 department and in the name of the Commonwealth. In any such  
6 action all penalties incurred up to the time of commencing the  
7 action may be sued for and recovered therein and the  
8 commencement of an action to recover any such penalty shall not  
9 be, or be held to be, a waiver of the right to recover any other  
10 penalty. In case of recovery of any amount in an action brought  
11 to recover any such penalty the Commonwealth shall be entitled  
12 to recover full costs and at the rates provided for civil  
13 actions.

14 (b) Duty and liability of witnesses.--No person shall be  
15 excused from testifying or producing any books, papers or other  
16 documents in any civil action to recover any such penalty, upon  
17 the ground that his testimony might tend to convict him of an  
18 offense or subject him to a penalty or forfeiture. No person  
19 shall be prosecuted, punished or subjected to any penalty of  
20 forfeiture for or on account of any such act, transaction,  
21 matter or thing concerning which he shall, under oath, have  
22 testified or produced documentary evidence and no testimony so  
23 given or produced shall be received against him upon any  
24 criminal investigation or proceeding. No person so testifying  
25 shall be exempt from prosecution or punishment for any perjury  
26 committed by him in his testimony. This subsection is not  
27 intended to give, and shall not be construed as in any manner  
28 giving, unto any corporation immunity of any kind.

29 (c) Plea of guilty.--A defendant charged with a violation of  
30 any provision of this chapter may himself plead guilty to the

1 charge in open court. He may also submit to the judge having  
2 jurisdiction, in person, by duly authorized agent, or by  
3 registered mail, a statement setting forth the following:

4 (1) That he waives arraignment in open court and the aid  
5 of counsel.

6 (2) That he pleads guilty to the offense as charged.

7 (3) That he elects and requests that the charge be  
8 disposed of and the fine or penalty fixed by the court.

9 (4) Any explanation that he desires to make concerning  
10 the offense charged.

11 (5) That he makes all statements under penalty of  
12 perjury.

13 Thereupon the judge may proceed as though the defendant had been  
14 convicted upon a plea of guilty in open court. Any imposition of  
15 fine or penalty under this section shall be deemed tentative  
16 until the fine or penalty has been paid and discharged in full.  
17 If, upon receipt of the aforesaid statement, the judge shall  
18 deny the same, he shall thereupon notify the defendant of this  
19 fact and that he is required to appear before the said judge at  
20 a stated time and place to answer the charge which shall  
21 thereafter be disposed of pursuant to the applicable provisions  
22 of law.

23 (d) Statement of disposition of case.--Subject to any  
24 inconsistent procedures and standards relating to reports and  
25 transmission of funds prescribed pursuant to Title 42 (relating  
26 to judiciary and judicial procedure), the court before whom any  
27 person shall be tried shall, at the termination of the trial or  
28 proceeding, forthwith mail or deliver to the department at  
29 Harrisburg a certified statement of the disposition of the case  
30 or proceeding giving the date thereof, the name of the

1 defendant, the date and place of the violation, the name of each  
2 witness sworn in support of the charges and the amount of the  
3 fine or penalty paid.

4 (e) Section not exclusive.--This section:

5 (1) Does not prohibit the prosecution of violations of  
6 this chapter in any court of competent jurisdiction in the  
7 same manner as other offenses.

8 (2) Is subject to any inconsistent general rules  
9 relating to actions for the collection of fines and  
10 penalties.]

11 Section 4. Section 9017(d.1)(1) and (2) of Title 75 are  
12 amended to read:

13 § 9017. Refunds.

14 \* \* \*

15 (d.1) Motorized recreational vehicles.--

16 (1) When the tax imposed by this chapter has been paid  
17 and the fuel on which the tax has been imposed has been  
18 consumed in the operation of motorized recreational vehicles  
19 on designated roads and bridges of this Commonwealth,  
20 including roads and bridges bordering on this Commonwealth,  
21 annually up to a maximum of \$1,000,000 of the full amount of  
22 such taxes shall be refunded to the restricted account  
23 established in [section] 32 Pa.C.S. § 7706 (relating to  
24 restricted account) upon petition to the Board of Finance and  
25 Revenue.

26 (2) In accordance with prescribed procedures, the  
27 Department of Conservation and Natural Resources shall  
28 biennially calculate the amount of liquid fuels consumed by  
29 motorized recreational vehicles and furnish such information  
30 relating to its calculations and data to the Board of Finance

1 and Revenue. The board shall review the petition and  
2 motorized recreational vehicle fuel consumption calculations  
3 of the Department of Conservation and Natural Resources to  
4 determine the full amount of taxes paid and shall certify to  
5 the State Treasurer to refund annually up to a maximum of  
6 \$1,000,000 of the full amount of such taxes to the restricted  
7 account established in [section] 32 Pa.C.S. § 7706.

8 \* \* \*

9 Section 5. The addition of 32 Pa.C.S. Ch. 77 is a  
10 continuation of 75 Pa.C.S. Ch. 77. The following apply:

11 (1) Except as otherwise provided in 32 Pa.C.S. Ch. 77,  
12 all activities initiated under the 75 Pa.C.S. Ch. 77 continue  
13 and remain in full force and effect and may be completed  
14 under 32 Pa.C.S. Ch. 77. Orders, regulations, rules and  
15 decisions which were made under 75 Pa.C.S. Ch 77 and which  
16 are in effect on the effective date of section 3 (75 Pa.C.S.  
17 Ch. 77) of this act shall remain in full force and effect  
18 until revoked, vacated or modified under 32 Pa.C.S. Ch. 77.  
19 Contracts, obligations and collective bargaining agreements  
20 entered into under 75 Pa.C.S. Ch. 77 are not affected nor  
21 impaired by the repeal of 75 Pa.C.S. Ch. 77.

22 (2) Except as set forth in paragraph (3), any difference  
23 in language between 32 Pa.C.S. Ch. 77 and 75 Pa.C.S. Ch. 77  
24 is intended only to conform to the style of the Pennsylvania  
25 Consolidated Statutes and is not intended to change or affect  
26 the legislative intent, judicial construction or  
27 administration and implementation of 75 Pa.C.S. Ch. 77.

28 (3) Paragraph (2) does not apply to the addition of the  
29 definition of "all-terrain vehicle" in 32 Pa.C.S. § 7702.

30 Section 6. This act shall take effect in 60 days.