THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1076 Session of 2011

INTRODUCED BY HICKERNELL, M. K. KELLER, GEIST, AUMENT, BEAR, BOBACK, BOYD, BROOKS, D. COSTA, CREIGHTON, CUTLER, DENLINGER, FLECK, GINGRICH, GRELL, GROVE, HARRIS, HESS, KAUFFMAN, KNOWLES, MAJOR, MARSHALL, MILLARD, MILLER, MURT, PICKETT, ROAE, ROCK, STERN, STEVENSON, VULAKOVICH AND GIBBONS, MARCH 17, 2011

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 17, 2011

AN ACT

- 1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
- 2 Statutes, further providing for definitions, for vehicles
 - exempt from registration, for use of farm vehicle plates, for
- 4 the definition of "commercial vehicle," for general lighting
- 5 requirements, for requirement for periodic inspection of
- vehicles, for operation of vehicle without official
- 7 certificate of inspection, for securing loads in vehicles,
- for safety requirements for towed vehicles and for width of
- 9 vehicles.

3

- 10 The General Assembly of the Commonwealth of Pennsylvania
- 11 hereby enacts as follows:
- 12 Section 1. The definition of "commercial implement of
- 13 husbandry" in section 102 of Title 75 of the Pennsylvania
- 14 Consolidated Statutes is amended and the section is amended by
- 15 adding a definition to read:
- 16 § 102. Definitions.
- 17 Subject to additional definitions contained in subsequent
- 18 provisions of this title which are applicable to specific
- 19 provisions of this title, the following words and phrases when

- 1 used in this title shall have, unless the context clearly
- 2 indicates otherwise, the meanings given to them in this section:
- 3 * * *
- 4 "Commercial implement of husbandry." An implement of
- 5 husbandry that:
- 6 (1) Is a self-propelled vehicle.
- 7 (2) Is used commercially.
- 8 (3) Is operated or moved upon highways for not more than
- 9 180 days in a calendar year.
- 10 (4) Is not a custom farm service implement of husbandry.
- 11 The term also includes any other vehicle determined by the
- 12 department to be a commercial implement of husbandry.
- 13 * * *
- "Custom farm service implement of husbandry." Farm equipment
- 15 that meets all of the following criteria:
- 16 (1) Is equipped with pneumatic tires except where
- 17 prohibited by religious beliefs.
- 18 (2) Is infrequently operated or moved upon highways.
- 19 (3) Is owned by a person who owns or operates a farm.
- 20 (4) Is used to perform any of the following agricultural
- 21 services on farms other than farms owned or operated by the
- 22 <u>owner of the implement, regardless of whether or not a fee is</u>
- 23 charged for the services:
- (i) performance of agriculture production or
- 25 harvesting activities; or
- 26 (ii) transportation of agricultural products,
- 27 <u>agricultural waste products or agricultural supplies.</u>
- 28 * * *
- 29 Section 2. Section 1302(2) and (10) of Title 75 are amended
- 30 to read:

- 1 § 1302. Vehicles exempt from registration.
- 2 The following types of vehicles are exempt from registration:
- 3 * * *
- 4 (2) Any implement of husbandry, [trailer or semitrailer
- determined by the department to be] <u>custom farm service</u>
- 6 <u>implement of husbandry and any trailer or semitrailer towed</u>
- 7 <u>or hauled by a farm vehicle or implement of husbandry or a</u>
- 8 <u>custom farm service implement of husbandry, provided that the</u>
- 9 <u>implement of husbandry, custom farm service implement of</u>
- 10 <u>husbandry, trailer or semitrailer is</u> used exclusively for
- agricultural operations and only infrequently operated upon
- 12 highways. Vehicles exempt from registration under this
- paragraph shall be used exclusively upon a farm or farms
- owned or operated by the owner of the vehicle or upon
- highways [between] as subject to the following limitations:
- [(i) Parts of one such farm.
- 17 (ii) Such farms located not more than 25 miles apart.
- 19 (iii) Such farm or farms and a place of business
- located within a radius of 25 miles from such farm or
- 21 farms for the purpose of buying or selling agricultural
- commodities or supplies or for delivery, repair or
- 23 servicing of the vehicle.]
- (i) For an implement of husbandry, custom farm
- 25 service implement of husbandry or for a trailer or
- semitrailer being towed or hauled by an implement of
- 27 <u>husbandry or a custom farm service implement of husbandry</u>
- between:
- 29 <u>(A) Parts of one such farm.</u>
- 30 (B) Such farms located not more than 50 miles

_	apare.
2	(C) Such farm or farms and a place of business
3	located within a radius of 50 miles from such farm or
4	farms for the purpose of buying or selling
5	agricultural commodities or supplies or for delivery,
6	repair or servicing of the vehicle.
7	(D) A farm owned or operated by the owner of a
8	custom farm service implement of husbandry and a farm
9	serviced by the owner or operator of a custom farm
10	service implement of husbandry located not more than
11	50 miles from a farm owned or operated by the owner
12	of the custom farm service implement of husbandry.
13	(E) Farms serviced by the owner or operator of
14	the custom farm service implement of husbandry
15	located not more than 50 miles from a farm owned or
16	operated by the owner of the custom farm service
17	implement of husbandry.
18	(ii) For a trailer or semitrailer being towed or
19	hauled by a farm vehicle exempt from registration under
20	paragraph (10), the areas that the towing or hauling
21	vehicle is authorized to be driven.
22	(iii) For a trailer or semitrailer being towed or
23	hauled by a farm vehicle bearing farm vehicle
24	registration plates under section 1344 (relating to use
25	of farm vehicle plates) between:
26	(A) Such farms located not more than 50 miles
27	apart.
28	(B) Such farm or farms and a place of business
29	located within a radius of 50 miles from such farm or
30	farms for the purpose of buying or selling

1	agricultural commodities or supplies or for repairing
2	or servicing the vehicle.
3	* * *
4	(10) Any farm vehicle used exclusively upon a farm or
5	farms owned or operated by the owner of the vehicle[.
6	[i] Type ISuch a farm vehicle which does not
7	qualify as a motor carrier vehicle may be driven upon
8	highways only from sunrise to sunset. However, a farm
9	vehicle which qualifies as a motor carrier vehicle and
10	displays a currently valid certificate of inspection may
11	be driven upon highways without any restriction as to
12	time. Such a farm vehicle may only be driven on highways
13	between] subject to the following:
14	(i) Type ASuch a farm vehicle which does not
15	qualify as a motor carrier vehicle may be driven on
16	highways only from sunrise to sunset and between:
17	(A) Parts of one such farm.
18	(B) Such farms located not more than 25 miles
19	apart.
20	(C) Such farm or farms and a place of business
21	located within a radius of 25 miles from such farm or
22	farms for the purpose of buying or selling
23	agricultural commodities or supplies.
24	(D) Such farm or farms and a place of business
25	located within a radius of 50 miles from such farm or
26	farms for the purpose of repair or servicing of the
27	farm vehicle or the trailer or semitrailer being
28	towed or hauled by the farm vehicle.
29	(ii) [Type II] <u>Type B</u> Such a farm vehicle which
30	does qualify as a motor carrier vehicle and which does

Τ	not display a currently valid certificate of inspection
2	may be driven upon highways only from sunrise to sunset
3	and between:
4	(A) Parts of one such farm.
5	(B) Such farms located not more than ten miles
6	apart.
7	(C) Such farm or farms and a place of business
8	located within a radius of ten miles from such farm
9	or farms for the purpose of buying or selling
10	agricultural commodities or supplies.
11	(D) Such farm or farms and a place of business
12	located within a radius of 25 miles from such farm or
13	farms for the purpose of repair or servicing of the farm
14	vehicle or the trailer or semitrailer being towed or
15	hauled by the farm vehicle.
16	(iii) Type CSuch a farm vehicle which does qualify
17	as a motor carrier vehicle and displays a currently valid
18	certificate of inspection may be driven without any
19	restriction as to time but may only be driven on highways
20	<pre>between:</pre>
21	(A) Parts of one such farm.
22	(B) Such farms located not more than 50 miles
23	<u>apart.</u>
24	(C) Such farm or farms and a place of business
25	located within a radius of 50 miles from such farm or
26	farms for the purpose of buying or selling
27	agricultural commodities or supplies or for repair or
28	servicing of the farm vehicle or the trailer or
29	semitrailer being towed or hauled by the farm
30	vehicle.

1 [(iii)] <u>(iv)</u> A biennial certificate of exemption 2 shall be required for such a farm vehicle.

3 [(iv)] (v) The owner of the farm vehicle shall maintain such minimum levels of liability insurance 4 coverage on the vehicle as are required to be maintained 5 under Chapter 17 (relating to financial responsibility) 6 7 by owners of registered motor vehicles. The owner shall 8 satisfy the requirements of this subparagraph if the minimum amounts of liability insurance coverage for the 9 farm vehicle have been provided under farm liability 10 11 insurance coverage maintained generally by the owner. 12 Coverage prescribed in Subchapter B of Chapter 17 shall not be required to be maintained or provided for the farm 13

15 * * *

14

- 16 Section 3. Section 1344 of Title 75 is amended by adding a
- 17 subsection to read:

vehicle.

- 18 § 1344. Use of farm vehicle plates.
- 19 * * *
- 20 (c) Applicability of section 1301. -- A truck or truck tractor
- 21 <u>bearing current farm vehicle registration plates shall be deemed</u>
- 22 to be duly registered for purposes of section 1301 (relating to
- 23 registration and certificate of title required), notwithstanding
- 24 the commission of any violation of this section.
- 25 Section 4. The definition of "commercial motor vehicle" in
- 26 section 1603 of Title 75 is amended to read:
- 27 § 1603. Definitions.
- The following words and phrases when used in this chapter
- 29 shall have the meanings given to them in this section unless the
- 30 context clearly indicates otherwise:

- 1 * * *
- 2 "Commercial motor vehicle." A motor vehicle designed or used
- 3 to transport passengers or property:
- 4 (1) if the vehicle has a gross vehicle weight rating of
- 5 26,001 or more pounds or such lesser rating as the department
- 6 shall adopt under the provisions of section 6103(c) (relating
- 7 to promulgation of rules and regulations by department), as
- 8 determined by Federal regulation and published by the
- 9 department as a notice in the Pennsylvania Bulletin;
- 10 (2) if the vehicle is designed to transport 16 or more
- 11 passengers, including the driver;
- 12 (3) if the vehicle is a school bus; or
- 13 (4) if the vehicle is transporting hazardous materials
- and is required to be placarded in accordance with department
- 15 regulations.
- 16 The term does not include an antique or classic motor vehicle,
- 17 [or] an implement of husbandry or a custom farm service
- 18 <u>implement of husbandry</u>, or any motor home or recreational
- 19 trailer operated solely for personal use, or motorized
- 20 construction equipment, including, but not limited to,
- 21 motorscrapers, backhoes, motorgraders, compactors, excavators,
- 22 tractors, trenchers and bulldozers.
- 23 * * *
- Section 5. Section 4303(e) of Title 75 is amended and the
- 25 section is amended by adding a subsection to read:
- 26 § 4303. General lighting requirements.
- 27 * * *
- 28 (e) Equipment exempted [by regulation].--Antique motor
- 29 vehicles, animal-drawn vehicles, implements of husbandry, custom
- 30 <u>farm service implements of husbandry</u>, commercial implements of

- 1 husbandry and special mobile equipment, if operated exclusively
- 2 between the hours of sunrise and sunset and not during periods
- 3 of reduced visibility or insufficient illumination, [may be
- 4 exempted from certain lighting equipment requirements of this
- 5 part by regulations of the department] are exempted from the
- 6 <u>lighting equipment requirements of this part.</u>
- 7 (e.1) Certain trailers exempt. -- Trailers and semitrailers
- 8 <u>exempt from registration under section 1302(2) (relating to</u>
- 9 <u>vehicles exempt from registration</u>), if operated exclusively
- 10 between the hours of sunrise and sunset and not during periods
- 11 of reduced visibility or insufficient illumination, are exempted
- 12 from the lighting equipment requirements of this part.
- 13 * * *
- 14 Section 6. Sections 4702(a), 4703(a), 4903(e), 4905(e) and
- 15 4921(b) of Title 75 are amended to read:
- 16 § 4702. Requirement for periodic inspection of vehicles.
- 17 (a) Annual safety inspection. -- Except as provided in
- 18 subsection (b), the department shall establish a system of
- 19 annual safety inspection of vehicles, including emergency
- 20 vehicles, farm vehicles with a gross weight or gross vehicle
- 21 weight rating of greater than 17,000 pounds for which a [Type I]
- 22 Type C biennial certificate of exemption has been issued and
- 23 private noncommercial vehicles used to transport students.
- 24 * * *
- 25 § 4703. Operation of vehicle without official certificate of
- inspection.
- 27 (a) General rule. -- Except as otherwise provided in this
- 28 section, no motor vehicle required to bear current registration
- 29 plates issued by this Commonwealth and no farm vehicle with a
- 30 gross weight or gross vehicle weight rating of greater than

- 1 17,000 pounds for which a [Type I] Type C biennial certificate
- 2 of exemption has been issued shall be driven and no trailer
- 3 required to bear current registration plates issued by this
- 4 Commonwealth shall be moved on a highway and no mass transit
- 5 vehicle shall be operated unless the vehicle displays a
- 6 currently valid certificate of inspection issued under this
- 7 chapter.
- 8 * * *
- 9 § 4903. Securing loads in vehicles.
- 10 * * *
- 11 (e) Exceptions. -- This section does not prohibit:
- 12 (1) the necessary spreading of any substance in highway
- maintenance or construction operations; [or]
- 14 (2) the shedding or dropping of feathers or other matter
- from vehicles hauling live or slaughtered birds or
- 16 animals[.]; or
- 17 (3) the transportation of agricultural products produced
- 18 by a farmer on highways other than freeways between farms
- 19 that the farmer owns or operates in the course of harvesting
- or on-farm storage of the agricultural products if the
- 21 vehicle is not operated or moved at a speed of greater than
- 22 <u>45 miles per hour. This paragraph applies regardless of</u>
- 23 whether the transportation of agricultural products is
- 24 performed by the farmer or by another person who performs
- 25 custom harvesting services for the farmer.
- 26 * * *
- 27 § 4905. Safety requirements for towed vehicles.
- 28 * * *
- 29 (e) Obstructed lighting equipment. -- Whenever the rear
- 30 running lights, stop lights, turn signals or hazard warning

- 1 lights required by the provisions of Chapter 43 (relating to
- 2 lighting equipment) are obstructed by the load on a vehicle or
- 3 by a towed vehicle or its load, lighting equipment shall be
- 4 displayed on the rear of the towed vehicle or load equivalent to
- 5 the obstructed lights or signals, except in the case of
- 6 implements of husbandry or commercial implements of husbandry
- 7 displaying the slow-moving vehicle emblem [and] or in the case
- 8 <u>of a farm vehicle hauling or towing a trailer or semitrailer</u>
- 9 <u>exempt from registration under section 1302(2) (relating to</u>
- 10 vehicles exempt from registration), if the hauling or towing
- 11 <u>vehicle is</u> operating between sunrise and sunset.
- 12 * * *
- 13 § 4921. Width of vehicles.
- 14 * * *
- 15 (b) Special vehicles.--
- 16 (1) Any implement of husbandry, custom farm service
- 17 implement of husbandry or vehicle loaded with vegetable
- produce or forage crops and not exceeding 11 feet in width
- may be driven, hauled or towed between sunrise and sunset on
- 20 highways other than freeways.
- 21 (2) Any implement of husbandry or custom farm service
- 22 <u>implement of husbandry</u> not exceeding 14 feet 6 inches in
- 23 width may be driven, hauled or towed between sunrise and
- 24 sunset on highways other than freeways:
- 25 (i) Between parts of one farm owned or operated by
- the owner of the implement of husbandry.
- 27 (ii) Between farms owned or operated by the owner of
- the implement of husbandry located not more than 50 miles
- apart.
- 30 (iii) Between:

1	(A) farms; or
2	(B) a farm owned or operated by a farmer and a
3	place of business of a mechanic or dealer in
4	implements of husbandry;
5	located not more than 150 miles away for the purpose of
6	buying, selling, trading, loaning and leasing,
7	demonstrating, repairing or servicing the implement of
8	husbandry.
9	(iv) Between a farm owned or operated by the owner
10	of a custom farm service implement of husbandry and a
11	farm serviced by the owner or operator of a custom farm
12	service implement of husbandry located not more than 50
13	miles from a farm owned or operated by the owner of the
14	custom farm service implement of husbandry.
15	(v) Between farms serviced by the owner or operator
16	of the custom farm service implement of husbandry located
17	not more than 50 miles from a farm owned or operated by
18	the owner of the custom farm service implement of
19	husbandry.
20	(2.1) (i) Subject to the requirements prescribed in
21	subparagraph (ii), any implement of husbandry or custom
22	farm service implement of husbandry not exceeding 14 feet
23	6 inches in width may be driven, hauled or towed between
24	sunset and sunrise on highways other than freeways:
25	(A) Between parts of one farm owned or operated
26	by the owner of the implement of husbandry.
27	(B) Between farms owned or operated by the owner
28	of the implement of husbandry located not more than
29	50 miles apart.
30	(C) Between:

Τ	(1) larms; or
2	(II) a farm owned or operated by a farmer
3	and a place of business of a mechanic or dealer
4	in implements of husbandry located not more than
5	150 miles away for the purpose of buying,
6	selling, trading, lending and leasing,
7	demonstrating, repairing or servicing the
8	implement of husbandry.
9	(D) Between a farm owned or operated by the
10	owner of a custom farm service implement of husbandry
11	and a farm serviced by the owner or operator of a
12	custom farm service implement of husbandry located
13	not more than 50 miles from a farm owned or operated
14	by the owner of the custom farm service implement of
15	husbandry.
16	(E) Between farms serviced by the owner or
17	operator of the custom farm service implement of
18	husbandry located not more than 50 miles from a farm
19	owned or operated by the owner of the custom farm
20	service implement of husbandry.
21	(ii) An implement of husbandry or custom farm
22	service implement of husbandry exceeding 12 feet but not
23	exceeding 14 feet 6 inches in width shall not be driven,
24	hauled or towed on any highway between sunset and sunrise
25	unless all of the following are met:
26	(A) the implement is equipped with reflective
27	edgemarks that are visible from the front and the
28	rear;
29	(B) the implement is equipped with and is
30	operating hazard lamps in accordance with the

1	regulations of the department; and
2	(C) the implement is equipped with and is
3	operating two rotating yellow beacons, and the
4	implement is followed by an escort vehicle that is
5	equipped with and is operating hazard lamps and
6	displays a "wide vehicle" sign on the rear of the
7	vehicle.
8	(2.2) (i) Subject to the requirements prescribed in
9	subparagraph (ii), any implement of husbandry or custom
10	farm service implement of husbandry not exceeding 16 feet
11	in width may be driven, hauled or towed between sunrise
12	and sunset on highways other than freeways:
13	(A) Between parts of one farm owned or operated
14	by the owner of the implement of husbandry.
15	(B) Between farms owned or operated by the owner
16	of the implement of husbandry located not more than
17	50 miles apart.
18	(C) Between:
19	(I) farms; or
20	(II) a farm owned or operated by a farmer
21	and a place of business of a mechanic or dealer
22	in implements of husbandry located not more than
23	150 miles away for the purpose of buying,
24	selling, trading, lending and leasing,
25	demonstrating, repairing or servicing the
26	implement of husbandry.
27	(D) Between a farm owned or operated by the
28	owner of a custom farm service implement of husbandry
29	and a farm serviced by the owner or operator of a
30	custom farm service implement of husbandry located_

Τ	not more than 50 miles from a farm owned or operated
2	by the owner of the custom farm service implement of
3	husbandry.
4	(E) Between farms serviced by the owner or
5	operator of the custom farm service implement of
6	husbandry located not more than 50 miles from a farm
7	owned or operated by the owner of the custom farm
8	service implement of husbandry.
9	(ii) An implement of husbandry or custom farm
10	service implement of husbandry exceeding 14 feet 6 inches
11	but not exceeding 16 feet in width shall not be driven,
12	hauled or towed on any highway between sunrise and sunset
13	unless all of the following are met:
14	(A) the implement is equipped with reflective
15	edgemarks that are visible from the front and the
16	rear;
17	(B) the implement is equipped with and is
18	operating hazard lamps in accordance with the
19	regulations of the department; and
20	(C) the implement is equipped with and is
21	operating two rotating yellow beacons, and the
22	implement is preceded by an escort vehicle that is
23	equipped with and is operating hazard lamps and
24	displays a "wide vehicle" sign on the front of the
25	<u>vehicle.</u>
26	(3) Special mobile equipment not exceeding nine feet two
27	inches in width may be driven, hauled or towed between
28	sunrise and sunset on highways other than freeways.
29	(4) The department may regulate the operation of special
30	vehicles subject to this subsection which regulations may

prohibit the operation of special vehicles on certain days or during certain hours.

- [(5) An implement of husbandry or vehicle used exclusively for highly perishable crops for processing and not exceeding 14 feet 6 inches in width may be operated on highways other than freeways between sunset and sunrise only during the period of May 20 to October 15. The implement or vehicle, when used at this time, shall have two rotating yellow beacons and vehicular hazard signal lamps operating.]
- (6) Commercial implements of husbandry not exceeding [12 feet] 14 feet 6 inches in width, including wheels and tires, may be driven, hauled or towed between sunrise and sunset on highways other than freeways.
- 14 * * *

15 Section 7. This act shall take effect in 60 days.