

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 390 Session of 2011

INTRODUCED BY BRUBAKER, SCARNATI, ROBBINS, TARTAGLIONE, FOLMER, SMUCKER, ARGALL, YAW, VOGEL, ERICKSON, D. WHITE, EICHELBERGER, WOZNIAK, ALLOWAY, COSTA, SOLOBAY, WAUGH, BOSCOLA, GREENLEAF, KASUNIC, WARD, MENSCH, BAKER, M. WHITE, BROWNE AND GORDNER, FEBRUARY 4, 2011

AS AMENDED ON THIRD CONSIDERATION, NOVEMBER 15, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in general provisions, further providing for
3 definitions; in registration of vehicles, further providing
4 for vehicles exempt from registration; in commercial drivers,
5 further providing for definitions; and in inspection of
6 vehicles, further providing for requirement for periodic
7 inspection of vehicles, for operation of vehicle without
8 official certificate of inspection, for securing loads in
9 vehicles and for width of vehicles.



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
20 used in this title shall have, unless the context clearly

1 indicates otherwise, the meanings given to them in this section:

2 \* \* \*

3 "Commercial implement of husbandry." An implement of  
4 husbandry that:

5 (1) Is a self-propelled vehicle.

6 (2) Is used commercially.

7 (3) Is operated or moved upon highways for not more than  
8 180 days in a calendar year.

9 (4) Is not a custom farm service implement of husbandry.

10 The term also includes any other vehicle determined by the  
11 department to be a commercial implement of husbandry.

12 \* \* \*

13 "Custom farm service implement of husbandry." Farm equipment  
14 that meets all of the following criteria:

15 (1) Is equipped with pneumatic tires except where  
16 prohibited by religious beliefs.

17 (2) Is infrequently operated or moved upon highways.

18 (3) Is owned by a person who owns or operates a farm.

19 (4) Is used to perform any of the following agricultural  
20 services on farms other than farms owned or operated by the  
21 owner of the vehicle:

22 (i) performance of agriculture production or  
23 harvesting activities; or

24 (ii) transportation of agricultural products or  
25 agricultural supplies.

26 The term applies regardless of whether or not a fee is charged.

27 \* \* \*

28 Section 2. Section 1302(2), (10) and (17) of Title 75 are  
29 amended to read:

30 § 1302. Vehicles exempt from registration.

1 The following types of vehicles are exempt from registration:

2 \* \* \*

3 (2) Any implement of husbandry, custom farm service  
4 implement of husbandry and any trailer or semitrailer  
5 [determined by the department to be used exclusively for  
6 agricultural operations and only infrequently operated upon  
7 highways] towed or hauled by an implement of husbandry, or a  
8 custom farm service implement of husbandry, exempt from  
9 registration or by a farm vehicle. Vehicles exempt from  
10 registration under this paragraph shall be used exclusively  
11 upon a farm or farms owned or operated by the owner of the  
12 vehicle or upon highways [between] subject to the following  
13 limitations:

14 [(i) Parts of one such farm.

15 (ii) Such farms located not more than 25 miles  
16 apart.

17 (iii) Such farm or farms and a place of business  
18 located within a radius of 25 miles from such farm or  
19 farms for the purpose of buying or selling agricultural  
20 commodities or supplies or for delivery, repair or  
21 servicing of the vehicle.]

22 (iv) For an implement of husbandry, a custom farm  
23 service implement of husbandry or for a trailer or  
24 semitrailer being towed or hauled by an implement of  
25 husbandry, or custom farm service implement of husbandry,  
26 between:

27 (A) Parts of one such farm.

28 (B) Such farms located not more than 50 miles  
29 from the originating point.

30 (C) Such farm or farms and a place of business

1 located within a radius of 50 miles from such  
2 originating farm or farms for the purpose of buying  
3 or selling agricultural commodities or supplies or  
4 for delivering, repairing or servicing of the  
5 vehicle.

6 (D) Between farms serviced by the owner or  
7 operator of the custom farm service implement of  
8 husbandry located not more than 50 miles from the  
9 origination point of the custom farm service  
10 implement of husbandry.

11 (v) For a trailer or semitrailer being towed or  
12 hailed by a farm vehicle exempt from registration under  
13 paragraph (10), the areas where the towing or hauling  
14 vehicle is authorized to be driven.

15 (vi) For a trailer or semitrailer being towed or  
16 hailed by a farm vehicle bearing farm vehicle  
17 registration plates under section 1344 (relating to use  
18 of farm vehicle plates), between:

19 (A) Parts of one such farm.

20 (B) Such farms located not more than 50 miles  
21 from the originating point.

22 (C) Such farm or farms and a place of business  
23 located within a radius of 50 miles from such  
24 originating farm or farms for the purpose of buying  
25 or selling agricultural commodities or supplies or  
26 for delivering, repairing or servicing of the  
27 vehicle.

28 \* \* \*

29 (10) Any farm vehicle used exclusively upon a farm or  
30 farms owned or operated by the owner of the vehicle[.]\_

1 subject to the following:

2 (i) Type [I] A--Such a farm vehicle which does not  
3 qualify as a motor carrier vehicle may be driven upon  
4 highways only from sunrise to sunset[. However, a farm  
5 vehicle which qualifies as a motor carrier vehicle and  
6 displays a currently valid certificate of inspection may  
7 be driven upon highways without any restriction as to  
8 time. Such a farm vehicle may only be driven on highways]  
9 and between:

10 (A) Parts of one such farm.

11 (B) Such farms located not more than 25 miles  
12 apart.

13 (C) Such farm or farms and a place of business  
14 located within a radius of 25 miles from such farm or  
15 farms for the purpose of buying or selling  
16 agricultural commodities or supplies.

17 (D) Such farm or farms and a place of business  
18 located within a radius of 50 miles from such farm or  
19 farms for the purpose of [repair] repairing or  
20 servicing of the farm vehicle or the trailer or  
21 semitrailer being towed or hauled by the farm  
22 vehicle.

23 [(ii) Type II--Such a farm vehicle which does  
24 qualify as a motor carrier vehicle and which does not  
25 display a currently valid certificate of inspection may  
26 be driven upon highways only from sunrise to sunset and  
27 between:

28 (A) Parts of one such farm.

29 (B) Such farms located not more than ten miles  
30 apart.

1 (C) Such farm or farms and a place of business  
2 located within a radius of ten miles from such farm  
3 or farms for the purpose of buying or selling  
4 agricultural commodities or supplies.

5 (D) Such farm or farms and a place of business  
6 located within a radius of 25 miles from such farm or  
7 farms for the purpose of repair or servicing of the  
8 farm vehicle.

9 (iii) A biennial certificate of exemption shall be  
10 required for such a farm vehicle.

11 (iv) The owner of the farm vehicle shall maintain  
12 such minimum levels of liability insurance coverage on  
13 the vehicle as are required to be maintained under  
14 Chapter 17 (relating to financial responsibility) by  
15 owners of registered motor vehicles. The owner shall  
16 satisfy the requirements of this subparagraph if the  
17 minimum amounts of liability insurance coverage for the  
18 farm vehicle have been provided under farm liability  
19 insurance coverage maintained generally by the owner.  
20 Coverage prescribed in Subchapter B of Chapter 17 shall  
21 not be required to be maintained or provided for the farm  
22 vehicle.]

23 (v) Type B--Such a farm vehicle which does qualify  
24 as a motor carrier vehicle and which does not display a  
25 currently valid certificate of inspection may be driven  
26 upon highways only from sunrise to sunset and between:

27 (A) Parts of one such farm.

28 (B) Such farms located not more than ten miles  
29 apart.

30 (C) Such farm or farms and a place of business

1 located within a radius of ten miles from such farm  
2 or farms for the purpose of buying or selling  
3 agricultural commodities or supplies.

4 (D) Such farm or farms and a place of business  
5 located within a radius of 25 miles from such farm or  
6 farms for the purpose of repairing or servicing of  
7 the farm vehicle or the trailer or semitrailer being  
8 towed or hauled by the farm vehicle.

9 (vi) Type C--Such a farm vehicle which does qualify  
10 as a motor carrier vehicle and displays a currently valid  
11 certificate of inspection may be driven without any  
12 restriction as to time but may only be driven on highways  
13 between:

14 (A) Parts of one such farm.

15 (B) Such farms located not more than 50 miles  
16 apart.

17 (C) Such farm or farms and a place of business  
18 located within a radius of 50 miles from such farm or  
19 farms for the purpose of buying or selling  
20 agricultural commodities or supplies or for repairing  
21 or servicing of the farm vehicle or the trailer or  
22 semitrailer being towed or hauled by the farm  
23 vehicle.

24 (vii) A biennial certificate of exemption shall be  
25 required for such a farm vehicle.

26 (viii) The owner of the farm vehicle shall maintain  
27 such minimum levels of liability insurance coverage on  
28 the vehicle as are required to be maintained under  
29 Chapter 17 (relating to financial responsibility) by  
30 owners of registered motor vehicles. The owner shall

1 satisfy the requirements of this subparagraph if the  
2 minimum amounts of liability insurance coverage for the  
3 farm vehicle have been provided under farm liability  
4 insurance coverage maintained generally by the owner.  
5 Coverage prescribed in Subchapter B of Chapter 17  
6 (relating to motor vehicle liability insurance first  
7 party benefits) shall not be required to be maintained or  
8 provided for the farm vehicle.

9 \* \* \*

10 (17) Any multipurpose agricultural vehicle. Vehicles  
11 exempt from registration under this paragraph shall be used  
12 exclusively upon a farm or farms owned or operated by the  
13 owner of the vehicles or upon highways between:

14 (i) Parts of one such farm.

15 (ii) Such farms located not more than [two] five  
16 miles apart.

17 \* \* \*

18 Section 3. The definition of "commercial motor vehicle" in  
19 section 1603 of Title 75 is amended to read:

20 § 1603. Definitions.

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

24 \* \* \*

25 "Commercial motor vehicle." A motor vehicle designed or used  
26 to transport passengers or property:

27 (1) if the vehicle has a gross vehicle weight rating of  
28 26,001 or more pounds or such lesser rating as the department  
29 shall adopt under the provisions of section 6103(c) (relating  
30 to promulgation of rules and regulations by department), as



1 determined by Federal regulation and published by the  
2 department as a notice in the Pennsylvania Bulletin;  
3 (2) if the vehicle is designed to transport 16 or more  
4 passengers, including the driver;  
5 (3) if the vehicle is a school bus; or  
6 (4) if the vehicle is transporting hazardous materials  
7 and is required to be placarded in accordance with department  
8 regulations.

9 The term does not include an antique or classic motor vehicle,  
10 [or] an implement of husbandry or a custom farm service  
11 implement of husbandry, or any motor home or recreational  
12 trailer operated solely for personal use, or motorized  
13 construction equipment, including, but not limited to,  
14 motorscrapers, backhoes, motorgraders, compactors, excavators,  
15 tractors, trenchers and bulldozers.

16 \* \* \*

17 Section 4. Sections 4702(a), 4703(a), ~~4903(e)~~ and 4921(b) of ←  
18 Title 75 are amended to read:

19 § 4702. Requirement for periodic inspection of vehicles.

20 (a) Annual safety inspection.--Except as provided in  
21 subsection (b), the department shall establish a system of  
22 annual safety inspection of vehicles, including emergency  
23 vehicles, farm vehicles with a gross weight or gross vehicle  
24 weight rating of greater than 17,000 pounds for which a Type [I]  
25 C biennial certificate of exemption has been issued and private  
26 noncommercial vehicles used to transport students.

27 \* \* \*

28 § 4703. Operation of vehicle without official certificate of  
29 inspection.

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

1 section, no motor vehicle required to bear current registration  
2 plates issued by this Commonwealth and no farm vehicle with a  
3 gross weight or gross vehicle weight rating of greater than  
4 17,000 pounds for which a Type [I] C biennial certificate of  
5 exemption has been issued shall be driven and no trailer  
6 required to bear current registration plates issued by this  
7 Commonwealth shall be moved on a highway and no mass transit  
8 vehicle shall be operated unless the vehicle displays a  
9 currently valid certificate of inspection issued under this  
10 chapter.

11 \* \* \*

12 ~~§ 4903. Securing loads in vehicles.~~ ←

13 ~~\* \* \*~~

14 ~~(c) Exceptions. This section does not prohibit:~~

15 ~~(1) the necessary spreading of any substance in highway~~  
16 ~~maintenance or construction operations; [or]~~

17 ~~(2) the shedding or dropping of feathers or other matter~~  
18 ~~from vehicles hauling live or slaughtered birds or~~  
19 ~~animals[.]; or~~

20 ~~(3) the transportation of agricultural products produced~~  
21 ~~by a farmer on highways other than freeways between farms~~  
22 ~~that the farmer owns or operates in the course of harvesting~~  
23 ~~or on farm storage of the agricultural products, provided~~  
24 ~~that the vehicle is not operated or moved at a speed of~~  
25 ~~greater than 25 miles per hour. This paragraph applies~~  
26 ~~regardless of whether the transportation of agricultural~~  
27 ~~products is performed by the farmer or by another person who~~  
28 ~~performs custom harvesting services for the farmer.~~

29 \* \* \*

30 § 4921. Width of vehicles.

1 \* \* \*

2 (b) Special vehicles.--

3 (1) Any implement of husbandry or vehicle loaded with  
4 vegetable produce or forage crops and not exceeding [11] 12  
5 feet in width may be driven, hauled or towed between sunrise  
6 and sunset on highways other than freeways.

7 (2) [Any] (i) Subject to the requirements prescribed  
8 in subparagraph (ii), any implement of husbandry not  
9 exceeding [14 feet 6 inches] 16 feet in width may be  
10 driven, hauled or towed between sunrise and sunset on  
11 highways other than freeways:

12 [(i)] (A) Between parts of one farm owned or  
13 operated by the owner of the implement of husbandry.

14 [(ii)] (B) Between farms owned or operated by  
15 the owner of the implement of husbandry located not  
16 more than 50 miles apart.

17 [(iii)] (C) Between:

18 [(A)] (I) farms; or

19 [(B)] (II) a farm owned or operated by a  
20 farmer and a place of business of a mechanic or  
21 dealer in implements of husbandry;

22 located not more than 150 miles away for the purpose  
23 of buying, selling, trading, loaning and leasing,  
24 demonstrating, repairing or servicing the implement  
25 of husbandry.

26 (ii) An implement of husbandry exceeding 14 feet 6  
27 inches but not exceeding 16 feet in width shall not be  
28 driven, hauled or towed on any highway between sunrise  
29 and sunset unless all of the following are met:

30 (A) the implement is equipped with reflective

1 edgemarks that are visible from the front and the  
2 rear;

3 (B) the implement is equipped with and is  
4 operating hazard lamps in accordance with the  
5 regulations of the department; and

6 (C) the implement is equipped with and is  
7 operating two rotating yellow beacons, or the  
8 implement is preceded by a pilot vehicle that is  
9 equipped with and is operating hazard lamps, and  
10 displays an "oversize load" sign on the front of the  
11 vehicle.

12 (2.1) (i) Subject to the requirements prescribed in  
13 subparagraph (ii), any implement of husbandry not  
14 exceeding 14 feet 6 inches in width may be driven, hauled  
15 or towed between sunset and sunrise on highways other  
16 than freeways:

17 (A) Between parts of one farm owned or operated  
18 by the owner of the implement of husbandry.

19 (B) Between farms owned or operated by the owner  
20 of the implement of husbandry located not more than  
21 50 miles apart.

22 (C) Between:

23 (I) farms; or

24 (II) a farm owned or operated by a farmer  
25 and a place of business of a mechanic or dealer  
26 in implements of husbandry;

27 located not more than 50 miles away for the purpose  
28 of buying, selling, trading, loaning and leasing,  
29 demonstrating, repairing or servicing the implement  
30 of husbandry.

1           (ii) An implement of husbandry exceeding 12 feet but  
2 not exceeding 14 feet 6 inches in width shall not be  
3 driven, hauled or towed on any highway between sunset and  
4 sunrise unless all of the following are met:

5           (A) the implement is equipped with reflective  
6 edgemarks that are visible from the front and the  
7 rear;

8           (B) the implement is equipped with and is  
9 operating hazard lamps in accordance with the  
10 regulations of the department; and

11           (C) the implement is equipped with and is  
12 operating two rotating yellow beacons, or the  
13 implement is preceded by a pilot vehicle that is  
14 equipped with and is operating hazard lamps, and  
15 displays an "oversize load" sign on the front of the  
16 vehicle.

17 (2.2) (i) Subject to the requirements prescribed in  
18 subparagraph (ii), any custom farm service implement of  
19 husbandry not exceeding 16 feet in width may be driven,  
20 hauled or towed between sunrise and sunset on highways  
21 other than freeways to a farm or between farms serviced  
22 by the owner or operator of the custom farm service  
23 implement of husbandry located not more than 50 miles  
24 from the custom farm service implement of husbandry's  
25 normal point of origin.

26           (ii) A custom farm service implement of husbandry  
27 exceeding 14 feet 6 inches but not exceeding 16 feet in  
28 width shall not be driven, hauled or towed on any highway  
29 between sunrise and sunset unless all of the following  
30 are met:

1           (A) the custom farm service implement is  
2           equipped with reflective edgemarks that are visible  
3           from the front and the rear;

4           (B) the custom farm service implement is  
5           equipped with and is operating hazard lamps in  
6           accordance with the regulations of the department;  
7           and

8           (C) the custom farm service implement is  
9           equipped with and is operating two rotating yellow  
10           beacons, or the implement is preceded by a pilot  
11           vehicle that is equipped with and is operating hazard  
12           lamps, and displays an "oversize load" sign on the  
13           front of the vehicle.

14       (2.3) (i) Subject to the requirements prescribed in  
15       subparagraph (ii), any custom farm service implement of  
16       husbandry not exceeding 14 feet 6 inches in width may be  
17       driven, hauled or towed between sunset and sunrise on  
18       highways other than freeways to a farm or between farms  
19       serviced by the owner or operator of the custom farm  
20       service implement of husbandry located not more than 50  
21       miles from the custom farm service implement of  
22       husbandry's point of origin.

23       (ii) A custom farm service implement of husbandry  
24       exceeding 12 feet but not exceeding 14 feet 6 inches in  
25       width shall not be driven, hauled or towed on any highway  
26       between sunset and sunrise unless all of the following  
27       are met:

28           (A) the custom farm service implement is  
29           equipped with reflective edgemarks that are visible  
30           from the front and the rear;

1           (B) the custom farm service implement is  
2           equipped with and is operating hazard lamps in  
3           accordance with the regulations of the department;  
4           and

5           (C) the custom farm service implement is  
6           equipped with and is operating two rotating yellow  
7           beacons, or the implement is preceded by a pilot  
8           vehicle that is equipped with and is operating hazard  
9           lamps, and displays an "oversize load" sign on the  
10          front of the vehicle.

11          (2.4) (i) Subject to the requirements prescribed in  
12          subparagraph (ii), any implement of husbandry exceeding  
13          16 feet but not exceeding 17 feet 6 inches may be driven  
14          or towed on highways other than freeways between sunrise  
15          and sunset:

16                (A) Between parts of one farm owned or operated  
17                by the owner of the implement of husbandry.

18                (B) Between farms owned or operated by the owner  
19                of the implement of husbandry located not more than  
20                ten miles apart.

21                (C) Between:

22                        (I) farms; or

23                        (II) a farm owned or operated by a farmer  
24                        and a place of business of a mechanic or dealer  
25                        in implements of husbandry;  
26                        located not more than ten miles away for the purpose  
27                        of buying, selling, trading, loaning and leasing,  
28                        demonstrating, repairing or servicing the implement  
29                        of husbandry.

30                (ii) An implement of husbandry exceeding 16 feet but

1 not exceeding 17 feet 6 inches in width shall not be  
2 driven, hauled or towed on any highway between sunrise  
3 and sunset unless all of the following are met:

4 (A) the implement is not driven or towed at a  
5 speed greater than 25 miles per hour;

6 (B) the implement is driven or towed by a person  
7 who is at least 16 years of age;

8 (C) the implement is equipped with reflective  
9 edgemarks visible from the front and the rear;

10 (D) the implement is equipped with and is  
11 operating hazard lamps in accordance with the  
12 regulations of the department;

13 (E) the implement is equipped with and is  
14 operating two rotating yellow beacons; and

15 (F) the implement is preceded by a pilot vehicle  
16 that is equipped with and is operating hazard lamps,  
17 and displays an "oversize load" sign on the front of  
18 the vehicle.

19 (2.5) (i) Subject to the requirements prescribed in  
20 subparagraph (ii), any custom farm service implement of  
21 husbandry exceeding 16 feet but not exceeding 17 feet 6  
22 inches may be driven or towed between sunset and sunrise  
23 on highways other than freeways to a farm or between  
24 farms serviced by the owner or operator of the custom  
25 farm service implement of husbandry located not more than  
26 ten miles from the custom farm service implement of  
27 husbandry's normal point of origin.

28 (ii) A custom farm service implement of husbandry  
29 exceeding 16 feet but not exceeding 17 feet 6 inches in  
30 width shall not be driven or towed on any highway between



1 sunrise and sunset unless all of the following are met:

2 (A) the custom farm service implement is not  
3 driven or towed at a speed greater than 25 miles per  
4 hour;

5 (B) the custom farm service implement is driven  
6 or towed by a person who is at least 16 years of age;

7 (C) the custom farm service implement is  
8 equipped with reflective edgemarks visible from the  
9 front and the rear;

10 (D) the custom farm service implement is  
11 equipped with and is operating hazard lamps in  
12 accordance with the regulations of the department;

13 (E) the custom farm service implement is  
14 equipped with and is operating two rotating yellow  
15 beacons; and

16 (F) the implement is preceded by a pilot vehicle  
17 that is equipped with and is operating hazard lamps,  
18 and displays an "oversize load" sign on the front of  
19 the vehicle.

20 (3) Special mobile equipment not exceeding nine feet two  
21 inches in width may be driven, hauled or towed between  
22 sunrise and sunset on highways other than freeways.

23 (4) The department may regulate the operation of special  
24 vehicles subject to this subsection which regulations may  
25 prohibit the operation of special vehicles on certain days or  
26 during certain hours.

27 [(5) An implement of husbandry or vehicle used  
28 exclusively for highly perishable crops for processing and  
29 not exceeding 14 feet 6 inches in width may be operated on  
30 highways other than freeways between sunset and sunrise only

1       during the period of May 20 to October 15. The implement or  
2       vehicle, when used at this time, shall have two rotating  
3       yellow beacons and vehicular hazard signal lamps operating.]

4       \* \* \*

5       Section 5. This act shall take effect in 60 days.