

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 193 Session of
1989

INTRODUCED BY MORRIS, RUDY, MAINE, BRANDT, BILLOW, BOWLEY,
BROUJOS, COLAIZZO, HALUSKA, LaGROTTA, LLOYD, MELIO,
SCRIMENTI, TRICH, HERSHEY, ALLEN, BARLEY, BUSH, CHADWICK,
D. F. CLARK, JOHNSON, LEH, SEMMEL, JACKSON, ARGALL,
YANDRISEVITS, FEE, WOZNIAK, J. L. WRIGHT, COLE, FOSTER,
VAN HORNE, D. R. WRIGHT, REBER, WASS, TRELLO, ANGSTADT,
SERAFINI, CAPPABIANCA, VROON, GODSHALL, DORR, DALEY, BORTNER,
PRESTON, CLYMER, HECKLER, RYBAK, LETTERMAN, VEON, GEIST,
E. Z. TAYLOR, G. SNYDER, FARGO, PISTELLA, SCHULER, KENNEY,
EVANS, STAIRS, NOYE, BELARDI, COY, KASUNIC, GRUPPO AND
FLEAGLE, FEBRUARY 1, 1989

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 28, 1989

AN ACT

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

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

8 ~~Section 1. Section 1503(c)(4) of Title 75 of the~~ <—
9 ~~Pennsylvania Consolidated Statutes is amended and the subsection~~
10 ~~is amended by adding a paragraph to read:~~

11 ~~§ 1503. Persons ineligible for licensing.~~

12 * * *

13 ~~(c) Junior driver's license. The department may issue a~~
14 ~~junior driver's license to a person 16 or 17 years of age under~~

1 ~~rules and regulations adopted by the department and subject to~~
2 ~~the provisions of this section. A junior driver's license shall~~
3 ~~automatically become a regular driver's license when the~~
4 ~~licensee attains 18 years of age.~~

5 ~~* * *~~

6 ~~(4) The department shall not issue a driver's license~~
7 ~~under this subsection and shall suspend, until the person~~
8 ~~becomes 18 years of age, the operating privilege of a person~~
9 ~~who is issued a license under this subsection if any of the~~
10 ~~following occurs:~~

11 ~~(i) The department receives a certified record of a~~
12 ~~conviction of the person under section 3716(c) or (d)~~
13 ~~(relating to trespass by motor vehicle).~~

14 ~~(ii) The department receives a certified record of a~~
15 ~~conviction of the person under 18 Pa.C.S. § 3304~~
16 ~~(relating to criminal mischief) if the court makes a~~
17 ~~specific finding of fact that the offense involved the~~
18 ~~operation of a motor vehicle.~~

19 ~~(iii) The department receives a certified~~
20 ~~adjudication of delinquency based on activities which~~
21 ~~would, but for the age of the actor, constitute a~~
22 ~~violation of 18 Pa.C.S. § 3304, if the court makes a~~
23 ~~specific finding of fact that the offense involved the~~
24 ~~operation of a motor vehicle.~~

25 ~~(5) Any junior licensee or other person violating any~~
26 ~~provision of this subsection is guilty of a summary offense.~~

27 ~~Section 2. Section 1532(b)(1) of Title 75 is amended to~~
28 ~~read:~~

29 ~~§ 1532. Revocation or suspension of operating privilege.~~

30 ~~* * *~~

1 ~~(b) Suspension.~~

2 ~~(1) The department shall suspend the operating privilege~~
3 ~~of any driver for six months upon receiving a certified~~
4 ~~record of the driver's conviction of any offense under the~~
5 ~~following provisions:~~

6 ~~Section 3367 (relating to racing on highways).~~

7 ~~Section 3716 (c) or (d) (relating to trespass by~~
8 ~~motor vehicle).~~

9 ~~Section 3733 (relating to fleeing or attempting to~~
10 ~~elude police officer).~~

11 ~~Section 3734 (relating to driving without lights to~~
12 ~~avoid identification or arrest).~~

13 ~~Section 3743 (relating to accidents involving damage~~
14 ~~to attended vehicle or property).~~

15 ~~18 Pa.C.S. § 3304 (relating to criminal mischief), if~~
16 ~~the court has made a specific finding of fact that the~~
17 ~~offense involved the operation of a motor vehicle.~~

18 ~~* * *~~

19 Section 3 1. Title 75 OF THE PENNSYLVANIA CONSOLIDATED
20 STATUTES is amended by adding a section to read:

21 § 3716. Trespass by motor vehicle.

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

26 (b) Operation of motor vehicle on private road or driveway
27 prohibited.--It is unlawful, without the consent of the owner or
28 lessor, for a person to knowingly operate a motor vehicle on a
29 private road or driveway. There shall be a rebuttable
30 presumption that a person has knowingly violated this subsection

1 if the owner or lessor of the road or driveway has placed, at or
2 near the points of entry from public or private vehicular
3 access, a gate, fence or similar obstruction or a readily
4 visible sign that would reasonably convey that the unauthorized
5 operation of motor vehicles on the road or driveway is
6 prohibited.

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

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

1 land or if the owner or lessor of the land has placed near the
2 roadside boundaries of the property visible signs which would
3 easily convey to the operator of a motor vehicle that the land
4 is cultivated agricultural land and that operation of a motor
5 vehicle on it is prohibited.

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

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

10 ~~(2) A person who violates subsection (c) or (d) commits~~ <—
11 ~~a summary offense and shall, upon conviction, be subject to a~~
12 ~~fine of \$500 and penalties imposed under section 1532(b)~~
13 ~~(relating to suspension).~~

14 (2) A PERSON WHO VIOLATES SUBSECTION (C) OR (D) COMMITS <—
15 A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SUBJECT TO
16 THE FOLLOWING PENALTIES:

17 (I) A FINE OF \$500 FOR A FIRST CONVICTION OF THE
18 OFFENSE.

19 (II) A FINE OF \$1,000 PLUS SUSPENSION OF OPERATING
20 PRIVILEGES FOR A PERIOD OF SIX MONTHS FOR A SECOND OR
21 SUBSEQUENT CONVICTION OF THE OFFENSE. IF A PERSON IS
22 UNDER 16 YEARS OF AGE AT THE TIME OF THE SECOND OR
23 SUBSEQUENT CONVICTION OF AN OFFENSE, THE PERIOD OF
24 SUSPENSION SHALL COMMENCE UPON THE PERSON'S 16TH
25 BIRTHDAY.

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

29 ~~(f) Definition. As used in this section, the term "motor~~ <—
30 ~~vehicle" includes a trail bike and every motor vehicle~~

1 ~~regardless of whether it may be transported or drawn upon a~~
2 ~~highway.~~

3 (F) ASSESSMENT OF POINTS.--A PERSON WHOSE OPERATING <—
4 PRIVILEGE HAS BEEN SUSPENDED PURSUANT TO SUBSECTION (E) SHALL
5 NOT BE SUBJECT TO ASSESSMENT OF POINTS OTHERWISE APPLICABLE
6 UNDER SECTION 1545 (RELATING TO RESTORATION OF OPERATING
7 PRIVILEGE) UPON RESTORATION OF PRIVILEGES.

8 (G) ADDITIONAL PENALTIES.--THIS SECTION IS NOT INTENDED NOR
9 SHALL THIS SECTION BE CONSTRUED TO PRECLUDE PROSECUTION,
10 CONVICTION OR IMPOSITION OF PENALTIES PURSUANT TO OTHER
11 PROVISIONS OF THIS TITLE THAT MAY BE APPLICABLE.

12 Section 4 2. Section 6322(a) of Title 75 is amended to read: <—
13 § 6322. Reports by issuing authorities.

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

18 (1) Following the fifteenth and last days of each month,
19 every issuing authority shall prepare a statement, upon forms
20 prescribed and furnished by the department, of all fines
21 collected, bail forfeited, sentence imposed and final
22 disposition for all cases on violations of or adjudications
23 of delinquency under 18 Pa.C.S. § 3304 (relating to criminal <—
24 mischief), if the court has made a specific finding of fact
25 that the offense involved the operation of a motor vehicle,
26 or on violations of any provisions of this title decided by
27 the issuing authority in the semimonthly reporting period
28 just concluded. The statement shall be certified by the
29 issuing authority to be true and correct and shall be
30 forwarded to the department within the following week, with a

1 copy sent to the police department which filed the charge.
2 Any fines and bail forfeited payable to the Commonwealth
3 under Subchapter E of Chapter 35 of Title 42 (relating to
4 fines, etc.) shall accompany the report to the department.

5 (2) The report shall include the identifying number of
6 the citation, the name and residence address of the party
7 charged, the driver's license number, the registration number
8 of the vehicle involved, a description of the offense, the
9 section and subsection of the statute or ordinance violated,
10 the date of hearing, the plea, the judgment or whether bail
11 was forfeited, clear and concise reasons supporting the
12 adjudication, the sentence or amount of forfeiture and such
13 other information as the department may require.

14 * * *

15 Section 5 3. Section 7724(a) of Title 75 is amended and the <—
16 subsection is amended by adding a paragraph to read:

17 § 7724. Operation on private or State property.

18 (a) Private real property.--

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

27 (2) When a person operates a snowmobile or an ATV in a
28 manner as to violate section 3716 (relating to trespass by
29 motor vehicle), the applicable fines, penalties and
30 suspensions provided in this title for violation of section

1 3716 shall apply to this subsection.

2 * * *

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

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