

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 648 Session of 2015

INTRODUCED BY STEFANO, SCARNATI, ALLOWAY, WARD, VOGEL, HUTCHINSON, BARTOLOTTA, VULAKOVICH, YUDICHAK, WOZNIAK AND BLAKE, APRIL 8, 2015

SENATOR RAFFERTY, TRANSPORTATION, AS AMENDED, JUNE 24, 2015

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in snowmobiles and all-terrain vehicles, further
3 providing for restricted account and for Snowmobile and ATV
4 Advisory Committee.

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

7 Section 1. Section 7706(a)(1) and (2), (b) ~~introductory~~ <--
8 ~~paragraph~~ and (c) of Title 75 of the Pennsylvania Consolidated
9 Statutes are amended and the section is amended by adding

10 subsections to read:

11 § 7706. Restricted account.

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

13 (1) [The department] There is established a restricted
14 account with two separate funds, the ATV Management Fund and
15 the Snowmobile Management Fund. The department shall deposit
16 the following into [a] the appropriate fund of the restricted
17 account[, which is hereby established]:

18 (i) all moneys received from the registration of and

1 issuance of certificates of title for snowmobiles and
2 ATV's and from the issuance of vintage snowmobile
3 permits;

4 (ii) all revenue from the sale of any publications
5 or services relating to snowmobiles and ATV's; [and]

6 (iii) all fines, penalties, fees and costs assessed
7 and collected as a result of enforcement activities
8 conducted by the department's law enforcement personnel
9 under this chapter[.] related to violations attributed to
10 ATV's shall be deposited in the ATV Management Fund;

11 (iv) all fines, penalties, fees and costs assessed
12 and collected as a result of enforcement activities
13 conducted by the department's law enforcement personnel
14 under this chapter related to violations attributed to
15 snowmobiles shall be deposited in the Snowmobile
16 Management Fund;

17 (v) all moneys existing in the restricted account at
18 the time this section becomes effective shall be divided
19 into the two funds based on the current number of active
20 snowmobile and active ATV registrations; and

21 (vi) all refunds of gas taxes generated under
22 section 9017(d.1) (relating to refunds) shall be
23 deposited in the respective funds on a proportional basis
24 of the activity that generated those taxes.

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

1 acquisition of equipment, supplies and interests in land. All
2 moneys deposited in this account shall remain in it to be
3 used as specified in this section. With the exception of
4 trails used by both snowmobiles and ATV's, under no
5 circumstances shall the department expend any moneys from any
6 fund except for the activity that generated those funds.

7 * * *

8 (b) Grant-in-aid.--The department shall, upon written
9 application and subsequent approval, grant money from the
10 appropriate fund of the restricted account:

11 * * *

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12 (1) TO MUNICIPALITIES [AND], PROFIT AND NONPROFIT
13 ORGANIZATIONS IN CONNECTION WITH SNOWMOBILE AND ATV USE ON
14 LANDS NOT OWNED BY THE COMMONWEALTH FOR THE FOLLOWING:

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15 (I) PLANS, SPECIFICATIONS AND ENGINEERING SURVEYS.

16 (II) FEES AND COSTS RELATED TO THE PREPARATION OR
17 PERFORMANCE OF RIGHT-OF-WAY LEASE AGREEMENTS.

18 (III) LAND ACQUISITION.

19 (IV) CONSTRUCTION, MAINTENANCE AND REHABILITATION OF
20 TRAILS AND OTHER FACILITIES FOR SNOWMOBILES AND ATV'S.

21 (2) TO MUNICIPALITIES AND PROFIT AND NONPROFIT
22 ORGANIZATIONS FOR EQUIPMENT, TRAINING AND EDUCATION
23 ACTIVITIES RELATING TO SNOWMOBILE AND ATV USE.

24 (3) TO PROFIT AND NONPROFIT ORGANIZATIONS FOR THE
25 MAINTENANCE [AND], REHABILITATION[, BUT NOT THE] AND
26 CONSTRUCTION[,] OF SNOWMOBILE AND ATV TRAILS ON LAND OWNED BY
27 THE COMMONWEALTH.

28 (B.1) REGULATIONS.--NO LATER THAN 60 DAYS FROM THE EFFECTIVE
29 DATE OF THIS SUBSECTION, THE DEPARTMENT SHALL PROMULGATE
30 REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF SUBSECTION

1 (B). THE DEPARTMENT SHALL PROMULGATE THE REGULATIONS IN A MANNER
2 THAT IS SEPARATE FROM REGULATIONS PERTAINING TO ANY OTHER GRANT
3 PROGRAM ADMINISTERED BY THE DEPARTMENT. THE DEPARTMENT'S
4 REGULATIONS SHALL INCLUDE A QUARTERLY APPROVAL GRANT PROCESS.

5 (c) Audit of moneys.--The restricted account shall be
6 audited every two years. Copies of the audit shall be provided
7 to the Snowmobile and ATV Advisory Committee[.], the
8 Appropriations Committee of the Senate and the Appropriations
9 Committee of the House of Representatives. Copies shall also be
10 posted and maintained on the department's publicly accessible
11 Internet website.

12 (d) Annual report.--An annual report on income and
13 expenditures from each fund of the restricted account shall be
14 posted and maintained on the department's publicly accessible
15 Internet website and provided to the Appropriations Committee of
16 the Senate and the Appropriations Committee of the House of
17 Representatives.

18 ~~(e) Regulations. No later than 60 days from the effective <--~~
19 ~~date of this subsection, the department shall promulgate~~
20 ~~regulations necessary to implement the provisions of this~~
21 ~~section. The department shall promulgate regulations in a manner~~
22 ~~that is separate from regulations pertaining to any other grant~~
23 ~~program administered by the department. The department's~~
24 ~~regulations shall include a quarterly approval process.~~

25 Section 2. Section 7717(b), (e)(1) and (2) and (f) of Title
26 75 are amended to read:

27 § 7717. Snowmobile and ATV Advisory Committee.

28 * * *

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

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

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

6 (3) One member [from] representing the Pennsylvania Game
7 Commission.

8 (4) One member [from] representing the Allegheny
9 National Forest.

10 (5) One member [from] representing the Pennsylvania
11 State Association of Township Supervisors.

12 (6) One member [from] representing the Pennsylvania
13 State Association of Boroughs.

14 (7) One member [from] representing the Pennsylvania
15 State Association of County Commissioners.

16 (7.1) One member representing the Department of
17 Community and Economic Development.

18 (8) [Eight] Seven members of the public representing the
19 following organizations to be appointed by the Secretary of
20 Conservation and Natural Resources:

21 (i) Two members from a list of at least six
22 representatives submitted by the Pennsylvania State
23 Snowmobile Association.

24 (ii) Two members from a list of at least six
25 representatives submitted by the Pennsylvania Off-Highway
26 Vehicle Association.

27 (iii) One member from a list of at least three
28 representatives submitted by the Pennsylvania Farm
29 Bureau.

30 [(iv) Two members from a list of at least six

1 representatives submitted by conservation or nonmotorized
2 recreation organizations.]

3 (v) One member from a list of at least three
4 representatives submitted by the Pennsylvania Association
5 of Travel [Council] and Tourism.

6 (vi) One member from a list of at least three
7 representatives submitted by the Pennsylvania Economic
8 Development Association.

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

11 * * *

12 (e) Meetings and expenses.--

13 (1) The committee shall meet at least [annually]
14 biannually.

15 (2) A public member, including a designee, who misses
16 three consecutive meetings without good cause [acceptable to
17 the chairman] may be replaced by the Secretary of
18 Conservation and Natural Resources upon recommendation of the
19 chairman.

20 * * *

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, guidelines and practices; use and operation
26 of snowmobiles and ATV's on public and private land;
27 acquisition, construction, development and maintenance of
28 trails; enforcement; and allocation of fees collected by the
29 department pursuant to this chapter.

30 Section 3. This act shall take effect in 60 days.