
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 1272 Session of
1989

INTRODUCED BY SHUMAKER, HELFRICK, WENGER, CORMAN, LYNCH,
AFFLERBACH, MADIGAN, PUNT, SHAFFER, REIBMAN, PORTERFIELD,
DAWIDA, STAPLETON, HESS, ANDREZESKI, BELAN, STOUT, LEMMOND,
PETERSON, WILT, HOLL, BRIGHTBILL, BODACK, LINCOLN, BAKER,
SALVATORE, MELLOW, ARMSTRONG, HOPPER, ROSS AND WILLIAMS,
OCTOBER 3, 1989

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 27, 1990

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. Title 75 of the Pennsylvania Consolidated
9 Statutes is amended by adding a section to read:

10 § 3716. Trespass by motor vehicle.

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

15 (b) Operation of motor vehicle on private road or driveway
16 prohibited.-- Except when necessary as a result of emergency or

1 when necessary to provide the operator a means of turning his
2 vehicle around on portions of highways where no other means of
3 turning around is provided, it is unlawful, without the consent
4 of the owner or lessor, for a person to knowingly operate a
5 motor vehicle on a private road or driveway. There shall be a
6 rebuttable presumption that a person has knowingly violated this
7 subsection if the owner or lessor of the road or driveway has
8 placed, at or near the points of entry from public or private
9 vehicular access, a gate, fence or similar obstruction or a
10 readily visible sign that would reasonably convey that the
11 unauthorized operation of motor vehicles on the road or driveway
12 is prohibited.

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

25 (d) Travel on cultivated land prohibited.--It is unlawful
26 for a person to knowingly operate a motor vehicle on cultivated
27 agricultural land of another without the consent of the owner or
28 lessor. For purposes of this subsection, the term "cultivated
29 agricultural land" includes land which is or has been recently
30 groomed or prepared for the purpose of present or future

1 commercial or private agricultural, silvicultural, horticultural
2 or floricultural production, whether or not the land is
3 currently in seed or sustaining growing crops. There shall be a
4 rebuttable presumption that a person has knowingly operated a
5 motor vehicle on cultivated agricultural land either if there
6 are agricultural crops or residue from the crops visible on the
7 land or if the owner or lessor of the land has placed near the
8 roadside boundaries of the property visible signs which would
9 easily convey to the operator of a motor vehicle that the land
10 is cultivated agricultural land and that operation of a motor
11 vehicle on it is prohibited.

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

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

16 (2) A person who violates subsection (c) or (d) commits
17 a summary offense and shall, upon conviction, be subject to
18 the following penalties:

19 (i) A fine of \$500 for a first conviction of the
20 offense.

21 (ii) A fine of \$1,000 plus suspension of operating
22 privileges for a period of six months for a second or
23 subsequent conviction of the offense. If a person is
24 under 16 years of age at the time of the second or
25 subsequent conviction of an offense, the period of
26 suspension shall commence upon the person's 16th
27 birthday.

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

1 (f) Assessment of points.--A person whose operating
2 privilege has been suspended pursuant to subsection (e) shall
3 not be subject to assessment of points otherwise applicable
4 under section 1545 (relating to restoration of operating
5 privilege) upon restoration of privileges.

6 (g) Additional penalties.--This section is not intended nor
7 shall this section be construed to preclude prosecution,
8 conviction or imposition of penalties pursuant to other
9 provisions of this title that may be applicable.

10 ~~Section 2. Sections 6501(a) and 7724(a) of Title 75 are~~ <—
11 ~~amended to read:~~

12 ~~§ 6501. Definition of conviction.~~

13 ~~(a) General rule. For the purposes of this title a~~
14 ~~conviction includes a plea of guilty, a plea of nolo contendere,~~
15 ~~a finding of guilty, a consent decree or an adjudication of~~
16 ~~delinquency by a court or an unvacated forfeiture of bail or~~
17 ~~collateral deposited to secure a defendant's appearance in~~
18 ~~court.~~

19 ~~* * *~~

20 SECTION 2. SECTION 7724(A) OF TITLE 75 IS AMENDED TO READ: <—

21 § 7724. Operation on private or State property.

22 (a) Private real property.--

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

1 (2) When a person operates a snowmobile or an ATV in a
2 manner as to violate section 3716 (relating to trespass by
3 motor vehicle), the applicable fines, penalties and
4 suspensions provided in this title for violation of section
5 3716 shall apply to this subsection.

6 * * *

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