
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2211

Session of
1991

INTRODUCED BY WOZNIAK, MARKOSEK, NYCE, VAN HORNE, SALOOM, BILLOW
AND TRELLO, NOVEMBER 20, 1991

REFERRED TO COMMITTEE ON TRANSPORTATION, NOVEMBER 20, 1991

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for off-highway motorcycles and
3 trail bikes.

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

6 Section 1. Section 7701 of Title 75 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 7701. Short title of chapter.

9 This chapter shall be known and may be cited as the
10 Snowmobile [and], All-Terrain Vehicle and Off-Highway Motorcycle
11 Law.

12 Section 2. The definition of "dealer" in section 7702 of
13 Title 75 is amended and the section is amended by adding
14 definitions to read:

15 § 7702. Definitions.

16 The following words and phrases when used in this chapter
17 shall have, unless the context clearly indicates otherwise, the
18 meanings given to them in this section:

1 * * *

2 "Dealer." A person engaged in the business of selling
3 snowmobiles [or], all-terrain vehicles or off-highway
4 motorcycles at wholesale or retail.

5 * * *

6 "Off-highway motorcycle" or "OHM." Any motorcycle when
7 operated on or upon trails or areas provided in accordance with
8 this chapter or a trail bike.

9 * * *

10 "Trail bike." An unlicensed motorcycle used for off-highway
11 recreation.

12 Section 3. Section 7706 of Title 75, amended August 5, 1991
13 (P.L. , No.26), is amended to read:
14 § 7706. Restricted receipts fund.

15 (a) Deposit and use of moneys.--The department shall deposit
16 all moneys received from the registration of snowmobiles, ATV's
17 and OHM's and the registration and issuance of certificates of
18 title for ATV's and trail bikes, the sale of snowmobile [and],
19 ATV and OHM registration information, snowmobile [and], ATV and
20 OHM publications and other services provided by the department,
21 and all fees and fines assessed and collected under this chapter
22 in a restricted receipts fund, from which the department shall
23 draw moneys for use in carrying out the registration and the
24 issuance of certificates of title, safety education and
25 enforcement requirements of this chapter as well as the
26 establishment, construction and maintenance of trails and any
27 equipment and supplies necessary to carry out the purposes of
28 this chapter. All moneys in said fund not heretofore paid into
29 the General Fund shall remain in said restricted receipts fund
30 to be used as specified in this chapter and any increases in

1 moneys previously paid to the General Fund shall remain in said
2 restricted receipts fund to be used as specified in this
3 chapter.

4 (b) Grant-in-aid.--The department shall also, upon written
5 application and subsequent approval, disperse moneys to
6 municipalities, nonprofit snowmobile, ATV or OHM clubs and
7 organizations for construction, maintenance and rehabilitation
8 of snowmobile, ATV or OHM trails or any other facilities for the
9 use of snowmobiles, ATV's or OHM's, including plans and
10 specifications, engineering surveys and supervision and land
11 acquisition where necessary. The department shall promulgate
12 such rules and regulations it deems necessary for the
13 administration of this subsection.

14 (c) Audit of moneys.--The restricted receipts fund shall be
15 audited every two years.

16 Section 4. Section 7711 of Title 75 is amended to read:
17 § 7711. Registration of dealers.

18 Any person who is in the business of selling snowmobiles or
19 ATV's or OHM's shall register as a dealer. The department, upon
20 receipt of application and the required fee, shall assign a
21 distinguishing dealer registration number to the registrant and
22 issue appropriate registration certificate to him. Dealer
23 registrations are not transferable.

24 Section 5. Section 7712 of Title 75, amended August 5, 1991
25 (P.L. , No.26), is amended to read:

26 § 7712. Registration of snowmobiles and OHM's and registration
27 and issuance of certificates of title for ATV's and
28 trail bikes.

29 (a) General rule.--Upon application therefor upon a form
30 prescribed and furnished by the department which shall contain a

1 full description of the snowmobile or OHM or ATV, the actual and
2 bona fide name and address of the owner, proof of ownership and
3 any other information the department may reasonably require, and
4 which shall be accompanied by the required fee, the department
5 shall issue a certificate of registration of a snowmobile or an
6 OHM or ATV and a decal showing the expiration date to the owner.

7 (b) Temporary registration.--Temporary registration for a
8 period not to exceed 45 days may be issued by a registered
9 dealer pursuant to rules and regulations promulgated by the
10 department.

11 (c) Fees.--Fees for registration of snowmobiles and OHM's
12 and registration and issuance of certificates of title for ATV's
13 and trail bikes to be collected by the department under this
14 chapter are as follows:

15 (1) Each individual resident registration for two years,
16 \$20 for a snowmobile [and \$20 for an], OHM or ATV.

17 (2) Each individual nonresident registration for two
18 years, \$20 for a snowmobile [and \$20 for an], OHM or ATV.

19 (3) Each dealer registration for one year, \$25.

20 (4) Replacement of a lost, mutilated or destroyed
21 certificate or decal, \$1.

22 (5) Transfers of snowmobile, OHM and ATV registrations
23 as described in section 7713 (relating to certificates of
24 registration and decals), \$3.

25 (6) Certificate of title for an ATV or trail bike, \$15.

26 (d) Exemptions from fees.--No fee is required for the
27 registration of snowmobiles [or], ATV's or OHM's owned by:

28 (1) The Commonwealth.

29 (2) Political subdivisions.

30 (3) Volunteer organizations and used exclusively for

1 emergency purposes.

2 Section 6. Sections 7712.1, 7712.2, 7712.3, 7712.5(c),
3 7712.6(a) and (b), 7712.7, 7713, 7714, 7715, 7716, 7721, 7722,
4 7723, 7724, 7725 and 7726 of Title 75 are amended to read:

5 § 7712.1. Certificate of title for ATV's and trail bikes
6 required.

7 (a) General rule.--Except as otherwise provided in this
8 section, every owner of a Class I or Class II ATV or trail bike
9 which is in this Commonwealth and for which no certificate of
10 title has been issued shall make application to the department
11 for a certificate of title to the ATV or trail bike.

12 (b) Exception.--The provisions of this section which require
13 every owner of an ATV or trail bike to make application for and
14 receive a certificate of title shall not apply to any person who
15 has registered an ATV or trail bike on or before the effective
16 date of this section unless that owner resells the registered
17 ATV or trail bike.

18 (c) Contents of application.--Application for a certificate
19 of title shall be made upon a form prescribed and furnished by
20 the department and shall contain a full description of the ATV
21 or trail bike, date of purchase, the actual or bona fide name
22 and address of the owner, a statement of the title of applicant,
23 together with any other information or documents the department
24 requires to identify the ATV or trail bike and to enable the
25 department to determine whether the owner is entitled to a
26 certificate of title.

27 (d) Signing and filing of application.--Application for a
28 certificate of title shall be made within 15 days of the sale or
29 transfer of an ATV or trail bike or its entry into this
30 Commonwealth from another jurisdiction, whichever is later. The

1 application shall be accompanied by the fee prescribed in this
2 subchapter, and any tax payable by the applicant under the laws
3 of this Commonwealth in connection with the acquisition or use
4 of an ATV or trail bike or evidence to show that the tax has
5 been paid or collected. The application shall be signed and
6 verified by oath or affirmation by the applicant if a natural
7 person; in the case of an association or partnership, by a
8 member or a partner; and in the case of a corporation, by an
9 executive officer or some person specifically authorized by the
10 corporation to sign the application.

11 (e) ATV's or trail bikes purchased from dealers or
12 manufacturers.--If the application refers to an ATV or trail
13 bike purchased from a dealer or manufacturer, the dealer or
14 manufacturer shall mail or deliver to the department the
15 certificate of title and any other required forms within 15 days
16 of the date of purchase. Any dealer or manufacturer violating
17 this subsection is guilty of a summary offense and shall, upon
18 conviction, be sentenced to pay a fine of \$50 for each
19 violation. The requirement that the dealer or manufacturer mail
20 or deliver the application to the department does not apply to
21 ATV's or trail bikes purchased by governmental agencies.

22 (f) ATV's or OHM's not requiring certificate of title.--No
23 certificate of title is required for:

24 (1) An ATV or OHM owned by the United States unless it
25 is registered in this Commonwealth.

26 (2) A new ATV or OHM owned by a manufacturer or
27 registered dealer before and until sale.

28 (3) Any ATV or OHM which meets the requirements of
29 subsection (b) prior to any resale.

30 (4) Any ATV or OHM which is used solely at competitive

1 or special events such as races, enduros, rallies and
2 derbies.

3 (5) Any OHM which is licensed for highway use and has
4 already obtained a certificate of title.

5 (6) Any ATV or OHM which is used solely on private
6 property.

7 (g) Registration without certificate prohibited.--Except as
8 provided in subsection (b), the department shall not register or
9 renew the registration of an ATV or OHM unless a certificate of
10 title has been issued by the department to the owner or an
11 application for a certificate of title has been delivered by the
12 owner to the department.

13 (h) Refusing issuance of certificate of title.--The
14 department may refuse issuance of a certificate of title when it
15 has reasonable grounds to believe:

16 (1) That any required fee has not been paid.

17 (2) That any taxes payable under the laws of this
18 Commonwealth on or in connection with, or resulting from the
19 acquisition or use of, the ATV or OHM have not been paid.

20 (3) That the applicant is not the owner of the ATV or
21 OHM.

22 (4) That the application contains a false or fraudulent
23 statement.

24 (5) That the applicant has failed to furnish required
25 information or documents or any additional information the
26 department reasonably requires.

27 (i) Suspension and cancellation of certificate of title.--

28 (1) The department may cancel the certificate of title
29 issued for a new ATV or trail bike when it is shown by
30 satisfactory evidence that the ATV or trail bike has been

1 returned within 45 days to the manufacturer or dealer from
2 whom obtained.

3 (2) The department, upon receipt of certification from
4 the clerk of any court showing conviction for a misstatement
5 of facts on any application for a certificate of title or any
6 transfer of a certificate of title, shall suspend the
7 certificate of title and require that the certificate be
8 returned immediately to the department, whereupon the
9 department may cancel the certificate.

10 (3) The department may suspend a certificate of title
11 when a check received in payment of the fee is not paid on
12 demand or when the fee for the certificate is unpaid and
13 owing.

14 (j) Transfer of ownership of ATV or trail bike.--

15 (1) In the event of the sale or transfer of the
16 ownership of an ATV or trail bike within this Commonwealth,
17 the owner shall execute an assignment and warranty of title
18 to the transferee in the space provided on the certificate or
19 as the department prescribes, sworn to before a notary public
20 or other officer empowered to administer oaths, and deliver
21 the certificate to the transferee at the time of the delivery
22 of the ATV or trail bike.

23 (2) Except as otherwise provided in section 7712.2
24 (relating to transfer to or from manufacturer or dealer), the
25 transferee shall, within 15 days of the assignment or
26 reassignment of the certificate of title, apply for a new
27 title by presenting to the department the properly completed
28 certificate of title, sworn to before a notary public or
29 other officer empowered to administer oaths, and accompanied
30 by such forms as the department may require.

1 (3) Any person violating subsection (a) shall be guilty
2 of a summary offense and shall, upon conviction, be
3 sentenced:

4 (i) For a first offense, to pay a fine of \$100.

5 (ii) For a subsequent offense, to pay a fine of not
6 less than \$300 nor more than \$1,000.

7 § 7712.2. Transfer to or from manufacturer or dealer.

8 (a) Transfer to manufacturer or dealer.--When the purchaser
9 or transferee of an ATV or trail bike is a manufacturer or
10 registered dealer who holds the ATV or trail bike for resale, a
11 certificate of title need not be applied for as provided for in
12 section 7712.1 (relating to certificate of title for ATV's and
13 trail bikes required), but the transferee shall, within seven
14 days from the date of assignment of the certificate of title to
15 the manufacturer or dealer, forward to the department, upon a
16 form prescribed and furnished by the department, notification of
17 the acquisition of the ATV or trail bike. Notification as
18 authorized in this section may not be used in excess of three
19 consecutive transactions after which time an application shall
20 be made for a certificate of title.

21 (b) Execution and display of notice of transfer.--The
22 manufacturer or dealer making notification as to any ATV or
23 trail bike acquired pursuant to subsection (a) shall execute at
24 least three copies, the original of which shall be forwarded to
25 the department, one copy to accompany the ATV or trail bike on
26 any subsequent transfer and one copy to be retained by the
27 manufacturer or dealer for at least one year after a subsequent
28 transfer, to be exhibited, with the assigned certificate of
29 title, upon request of any police officer or authorized
30 department employee.

(c) Transfer from manufacturer or dealer.--Except as otherwise provided in this section when the transferee is another manufacturer or dealer:

(1) The manufacturer or dealer, upon transferring their interest in the ATV or trail bike, shall execute an assignment and warranty of title to the transferee in the space provided on the certificate or as the department prescribes.

(2) The transferee shall complete the application for certificate of title in the name of the transferee.

(3) The manufacturer or dealer shall forward the certificate of title and any other required forms to the department within 15 days of the transfer.

(d) Exception for repossessed ATV's or trail bikes.--This section does not apply to an ATV or trail bike repossessed upon default of performance of a lease, contract of conditional sale or similar agreement.

(e) Penalty.--Any manufacturer or dealer violating any of the provisions of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50 for each violation.

§ 7712.3. Transfer of ATV or trail bike by operation of law.

(a) General rule.--If the interest of an owner in an ATV or trail bike passes to another other than by voluntary transfer, the transferee shall, except as otherwise provided, promptly mail or deliver to the department the last certificate of title, if available, and shall apply for a new certificate of title on a form prescribed and furnished by the department. The application shall be accompanied by such instruments or documents of authority, or certified copies thereof, as may be

1 sufficient or required by law to evidence or effect a transfer
2 of title or interest in or to chattels in such case.

3 (b) Transfer to surviving spouse.--Transfer of a certificate
4 of title to a surviving spouse, or any person designated by the
5 spouse, may be made without the necessity of filing for letters
6 of administration notwithstanding the fact that there are minor
7 children surviving the decedent provided the surviving spouse
8 files an affidavit that all the debts of the decedent have been
9 paid.

10 (c) Surrender of certificate.--A person holding a
11 certificate of title, whose interest in an ATV or trail bike has
12 been extinguished or transferred other than by voluntary
13 transfer, shall immediately surrender the certificate of title
14 to the person to whom the right to possession of the ATV or
15 trail bike has passed. Upon request of the department, such
16 person shall mail or deliver the certificate to the department.
17 Delivery of the certificate pursuant to the request of the
18 department does not affect the rights of the person surrendering
19 the certificate.

20 § 7712.5. Issuance of new certificate following transfer.

21 * * *

22 (c) Filing and retention of surrendered certificate.--The
23 department shall file and retain for five years every
24 surrendered certificate of title, or a copy, in such a manner as
25 to permit the tracing of title of the ATV or trail bike.

26 § 7712.6. Suspension and cancellation of certificate of title.

27 (a) Return of new ATV or trail bike.--The department may
28 cancel the certificate of title issued for a new ATV or trail
29 bike when it is shown by satisfactory evidence that the ATV or
30 trail bike has been returned within the time specified in the

1 department regulations to the manufacturer or dealer from whom
2 obtained.

3 (b) ATV's or trail bikes sold to nonresidents.--The
4 department may cancel certificates of title for ATV's or trail
5 bikes sold to residents of other states or foreign countries
6 when the ATV or trail bike is to be registered in the other
7 jurisdiction.

8 * * *

9 § 7712.7. Application for certificate of title by agent.

10 (a) Authorization to make application.--No person shall make
11 application for a certificate of title when acting for another
12 person unless authorization to make the application is in effect
13 and is verified by oath or affirmation of the other person,
14 made, excepting as between lessors and fleet owners as lessees,
15 not more than 15 days before the application is received by the
16 department. Lessors may authorize fleet owners to make
17 application for certificates of title for leased ATV's or trail
18 bikes for periods of up to one year.

19 (b) Certificate not to be assigned in blank.--No person
20 shall make application for, or assign or physically possess, a
21 certificate of title, or direct or allow another person in his
22 employ or control to make application for, or assign or
23 physically possess, a certificate of title, unless the name of
24 the transferee is placed on the assignment of certificate of
25 title simultaneously with the name of the transferor and duly
26 notarized.

27 (c) Persons authorized to hold certificate.--No person shall
28 receive, obtain or hold a certificate of title recorded in the
29 name of another person for the other person who is not in the
30 regular employ of, or not a member of the family of, the other

1 person, unless the person receiving, obtaining or holding the
2 certificate of title has a valid undischarged lien recorded in
3 the department against the ATV or trail bike represented by the
4 certificate of title.

5 (d) Penalty.--Any person violating any of the provisions of
6 this section is guilty of a summary offense and shall, upon
7 conviction, be sentenced to pay a fine of \$100.

8 § 7713. Certificates of registration and decals.

9 (a) General rule.--Except as otherwise provided in this
10 chapter, it is unlawful to operate a snowmobile or an ATV or an
11 OHM unless a certificate of registration has been issued
12 therefor and unless there is displayed thereon the permanent or
13 temporary registration decal. OHM's for which a valid and
14 current license is held are not required to register for travel
15 on State legislative routes or other vehicular roads or
16 highways.

17 (b) Snowmobiles purchased from dealers or manufacturers.--If
18 a snowmobile is purchased from a dealer or manufacturer, the
19 dealer or manufacturer shall mail or deliver to the department
20 the application for the certificate of registration and any
21 other required forms within 15 days of the date of purchase.
22 Individuals seeking exemption under section 7714 (relating to
23 exemptions from registration) shall sign an affidavit which will
24 be submitted to the department in lieu of the application for
25 certification of registration. Any dealer or manufacturer
26 violating the requirements of this subsection commits a summary
27 offense and shall, upon conviction, be sentenced to pay a fine
28 of \$300 or 90 days imprisonment, or both.

29 (c) Display of registration decal.--The department shall
30 issue registration decals no larger than 3 1/2 by 6 inches that

1 shall be displayed on both sides of the cowling of the
2 snowmobile for which issued. The department shall by regulation
3 prescribe the manner in which the registration decals shall be
4 displayed on various types of ATV's.

5 (d) Expiration on transfer.--The certificate of registration
6 issued to the owner of a snowmobile or an ATV or OHM shall
7 expire and the decal shall become invalid when ownership of the
8 snowmobile or ATV or OHM is transferred. Upon any transfer, the
9 seller (and former owner) shall, within 15 days from the date of
10 sale, return to the department the certificate of registration
11 previously issued to him with the date of sale, name and
12 residence of the new owner endorsed on the back. If the former
13 owner applies for registration of a different snowmobile or ATV
14 or OHM and pays a transfer fee, he may be issued, in his name, a
15 certificate of registration for that snowmobile or ATV or OHM
16 for the remainder of the registration period without payment of
17 a registration fee.

18 (e) Suspension or revocation.--The department may suspend or
19 revoke the certification of registration for a snowmobile or an
20 ATV or OHM upon conviction of the owner of any offense under
21 this chapter.

22 § 7714. Exemptions from registration.

23 (a) General rule.--No certificate of registration or decal
24 shall be required for a snowmobile or an ATV or an OHM:

25 (1) Owned and used by the United States or another
26 state, or a political subdivision thereof, but such
27 snowmobile shall display the name of the owner on the cowling
28 thereof, and such ATV or OHM shall display the name of the
29 owner in a manner prescribed by regulation of the department.

30 (2) Covered by a valid registration or license of

1 another state, province or country.

2 (3) Owned and operated on lands owned by the owner or
3 operator of the snowmobile or ATV or OHM or on lands to which
4 he has a contractual right [other than as a member of a club
5 or association,] and provided the snowmobile or ATV or OHM is
6 not operated elsewhere upon State-sponsored snowmobile, ATV
7 or OHM trails within this Commonwealth.

8 (4) Owned and used for special events such as races,
9 rallies, derbies and enduros, provided that the snowmobile,
10 ATV or OHM is not operated elsewhere and at other times upon
11 State-designated snowmobile, ATV or OHM trails within this
12 Commonwealth.

13 (b) Penalty.--Any person violating the provisions of
14 subsection (a)(3) commits a summary offense and shall, upon
15 conviction, be sentenced to pay a fine of \$300 or 90 days
16 imprisonment, or both.

17 § 7715. Reciprocity.

18 The provisions of this chapter relating to certificates of
19 registration and decals shall not apply to nonresident owners
20 who have complied with the registration and licensing laws of
21 the state, province, district or country of residence, provided
22 that the snowmobile or ATV or OHM is appropriately identified in
23 accordance with the laws of the state of residence.

24 § 7716. Central registration file.

25 The department shall maintain a central file of the
26 certificate of registration number, name and address of the
27 owner of each snowmobile and ATV or OHM for which a certificate
28 of registration is issued and such information shall be made
29 available to all enforcement agencies.

30 § 7721. Operation on streets and highways.

1 (a) General rule.--Except as otherwise provided in this
2 chapter, it is unlawful to operate a snowmobile or an ATV or
3 trail bike on any street or highway which is not designated and
4 posted as a snowmobile or an ATV or OHM road by the governmental
5 agency having jurisdiction.

6 (b) Emergency and bridge crossings.--A snowmobile or an ATV
7 or a trail bike may be operated on highways and streets:

8 (1) During periods of emergency when so declared by a
9 policy agency having jurisdiction.

10 (2) When necessary to cross a bridge or culvert.

11 (c) Crossing street or highway.--A snowmobile or an ATV or a
12 trail bike may make a direct crossing of a street or highway
13 upon compliance with the following requirements:

14 (1) The crossing is made at an angle of approximately 90
15 degrees to the direction of the highway and at a place where
16 no obstruction prevents a quick and safe crossing.

17 (2) The snowmobile or ATV or trail bike is brought to a
18 complete stop before crossing the shoulder or main-traveled
19 way of the highway.

20 (3) The driver yields the right-of-way to all oncoming
21 traffic which constitutes an immediate hazard.

22 (4) In crossing a divided highway, the crossing is made
23 only at an intersection of such highway with another public
24 street or highway.

25 § 7722. Designation of snowmobile and ATV or OHM roads.

26 (a) General rule.--The Department of Transportation on
27 State-designated highways and local authorities on any highway,
28 road or street within its jurisdiction may designate any
29 highway, road or street within its jurisdiction as a snowmobile
30 road, an ATV road[, or both] or an OHM road, or all three or any

1 combination thereof, and may, in its discretion, determine
2 whether such road shall be closed to vehicular traffic or
3 whether snowmobiles and ATV's or OHM's may share this designated
4 road with vehicular traffic.

5 (b) Posting notices.--Adequate notices of such designation
6 and determination shall be sufficiently and prominently
7 displayed.

8 (c) Liability.--There shall be no liability imposed on the
9 Department of Transportation or any other State agency or any
10 political subdivision of this Commonwealth as a result of
11 designating any highway, road or street as a snowmobile road or
12 an ATV road or an OHM road as provided in subsection (a).

13 (d) Nonapplicability.--This section shall not apply to
14 motorcycles licensed for highway operation when operated on any
15 highway open to other vehicles licensed for highway operation.
16 § 7723. Special snowmobile and ATV or OHM events.

17 (a) General rule.--Snowmobiles and ATV's or OHM's may be
18 operated on highways and streets for special snowmobile and ATV
19 or OHM events of limited duration which are conducted according
20 to a prearranged schedule under permit from the governmental
21 agency having jurisdiction.

22 (b) Authority of local authorities.--A local authority may
23 block off highways and streets within its jurisdiction for the
24 purpose of allowing snowmobile and ATV or OHM races, rallies or
25 derbies. No State trunk highway or connecting street, or part
26 thereof, shall be blocked off by any local authority for any
27 snowmobile or ATV or OHM race, rally or derby.

28 (c) Notification and duty of police.--A local authority
29 shall notify the local police department and the county
30 sheriff's office at least one week in advance of the time and

1 place of any snowmobile or ATV or OHM race, rally or derby which
2 may result in any highway or street, or part thereof, being
3 blocked off. Upon such notice, the local police department shall
4 take such measures as it deems appropriate to protect persons
5 and property and to regulate traffic in the designated area and
6 its vicinity on the day of such race, rally or derby.

7 § 7724. Operation on private or State property.

8 (a) Private real property.--

9 (1) No person shall operate a snowmobile or an ATV or
10 OHM on any private real property without the consent of the
11 owner or lessor thereof. Any person operating a snowmobile or
12 an ATV or an OHM upon lands of another shall stop and
13 identify himself upon the request of the landowner or his
14 duly authorized representatives and, if requested to do so by
15 the landowner, shall promptly remove the snowmobile or ATV or
16 OHM from the premises.

17 (2) When a person operates a snowmobile or an ATV or OHM
18 in a manner as to violate section 3717 (relating to trespass
19 by motor vehicle), the applicable fines, penalties and
20 suspensions provided in this title for violation of section
21 3717 shall apply to this subsection.

22 (b) State property.--No person shall operate a snowmobile or
23 an ATV or trail bike or OHM on State-owned property except on
24 clearly marked and previously designated snowmobile or ATV or
25 OHM routes. The department may designate any road within a State
26 Park or State Forest or other lands over which the department
27 has jurisdiction as a snowmobile road or an ATV road[, or both]
28 or OHM road, or all three or any combination thereof, and may,
29 in its discretion, determine whether the road shall be closed to
30 vehicular traffic or whether snowmobiles and ATV's and OHM's may

1 share the designated road with vehicular traffic. Adequate
2 notices of such designation and determination shall be
3 sufficiently and prominently displayed.

4 § 7725. Operation by persons under age sixteen.

5 (a) Crossing street or highway.--No person under 16 years of
6 age shall drive a snowmobile or an ATV or an OHM across any
7 highway or connecting street thereto unless he is under the
8 direct supervision of a person 18 years of age or older and
9 unless he holds a valid and appropriate safety certificate from
10 the Commonwealth or a valid and approved certificate issued
11 under the authority of another state or Province of Canada. The
12 department shall determine what certificates will be approved.

13 (b) Operation by persons under ten years of age.--No person
14 under ten years of age shall operate a snowmobile or ATV upon
15 State-owned land.

16 (c) Snowmobile and ATV or OHM safety certification.--No
17 person 10 to 15 years of age shall operate a snowmobile or an
18 ATV or OHM on State-owned property in this Commonwealth unless
19 the person satisfies one of the following conditions:

20 (1) Is under the direct supervision of a certified
21 snowmobile or ATV or OHM safety instructor during a safety
22 training course.

23 (2) Is on land owned or leased by a parent or legal
24 guardian.

25 (3) Has received safety training as prescribed by the
26 department and has received the appropriate safety
27 certificate issued by the department.

28 (4) Holds an appropriate safety certificate issued under
29 the authority of another state or Province of Canada and
30 recognized by the department.

(d) Failure to exhibit certificate.--The failure of such a youthful operator to exhibit the appropriate safety certificate, upon demand, to any law enforcement officer having authority to enforce the provisions of this section shall be presumptive evidence that such person is not the holder of such certificate.

(e) Permitting unauthorized operation.--No owner of a snowmobile or an ATV or OHM shall authorize or permit the operation thereof within this Commonwealth by any person under 16 years of age unless the person under 16 years of age is the holder of a valid and appropriate safety certificate, or except as authorized in subsections (b) and (c).

(f) Certification of snowmobile, ATV and OHM safety instructors.--The department may certify snowmobile or ATV or OHM safety instructors to act as its agents in conducting classes and examinations and issuing snowmobile or ATV or OHM safety certificates in its name.

(g) Operation on snowmobile and ATV roads and OHM roads.--No person under 16 years of age may operate a snowmobile or an ATV or OHM on streets or highways designated under section 7722 (relating to designation of snowmobile and ATV and OHM roads) as open to snowmobile or ATV or OHM and vehicular traffic. A person under 16 years of age who holds the appropriate safety certificate may operate a snowmobile or an ATV or OHM on roads designated under section 7724(b) (relating to operation on private or State property) as open to snowmobile or ATV or OHM and vehicular traffic, provided he is under the direct supervision of a person 18 years of age or older.

(h) Snowmobile, ATV and OHM safety program.--The department shall implement a comprehensive snowmobile and ATV and OHM information, safety education and training program which shall

1 include the preparation and dissemination of information and
2 safety advice to the public and training of operators. The
3 program shall provide for the training of youthful operators and
4 for the issuance of snowmobile or ATV or OHM safety certificates
5 to those who successfully complete the training provided under
6 the program.

7 (i) Cooperation with other organizations.--In implementing a
8 program which is established under this section, the department
9 shall cooperate with private organizations and associations,
10 private and public corporations, the Department of Education and
11 local governmental units. The department shall consult with
12 snowmobile, ATV, OHM and environmental organizations and
13 associations in regard to subject matter of a training program
14 that leads to certification of snowmobile and ATV and OHM
15 operators.

16 § 7726. Operation in safe manner.

17 (a) General rule.--No person shall operate a snowmobile or
18 an ATV or an OHM in any of the following ways:

19 (1) At a rate of speed that is unreasonable or improper
20 under existing conditions or in excess of the maximum limits
21 posted for vehicular traffic.

22 (2) In any careless way so as to endanger the person or
23 property of another.

24 (3) While under the influence of alcohol or any
25 controlled substance.

26 (b) Permitting unsafe operation.--No owner or other person
27 having charge or control of a snowmobile or an ATV or an OHM
28 shall knowingly authorize or permit the operation of the
29 snowmobile or ATV or OHM by any person who is incapable to do so
30 by reason of age, physical or mental disability, or who is under

1 the influence of alcohol or any controlled substance.

2 (c) Operation on highways and streets open to snowmobiles or
3 ATV's or OHM's and vehicular traffic.--No person shall operate a
4 snowmobile or ATV or OHM in any of the following ways on
5 highways and streets open to snowmobiles or ATV's or OHM's and
6 vehicular traffic:

7 (1) Upon the left side of highways or streets, except
8 one-way streets, or as specified in paragraph (2).

9 (2) Ride two snowmobiles or ATV's or OHM's abreast.

10 Snowmobiles and ATV's or OHM's shall be operated in single
11 file except when overtaking another vehicle. The driver of
12 any vehicle overtaking another vehicle proceeding in the same
13 direction shall pass at a safe distance to the left thereof,
14 until safely clear of such overtaken vehicle. Nothing in this
15 section shall be construed to prohibit a driver overtaking
16 the passing upon the right of another vehicle which is making
17 or about to make a left turn. The driver of a vehicle shall
18 not drive to the left side of the center of a highway in
19 overtaking or passing another vehicle proceeding in the same
20 direction, unless the left side is clearly visible and is
21 free of oncoming traffic for a sufficient distance ahead to
22 permit the overtaking or passing to be made in safety.

23 (3) Turn to the right or left at an intersection or stop
24 or decrease speed at an intersection without signaling as
25 stated in this paragraph. The driver shall extend his hand
26 and arm from the left side of the vehicle in the following
27 manner to indicate as stated:

28 (i) Left turn or other vehicle movement toward left,
29 hand and arm extended horizontally.

30 (ii) Right turn or other vehicle movement toward

1 right, left hand and arm extended outward and pointed
2 upward from the elbow.

3 (iii) Stop or decrease speed, either the left or
4 right hand and arm extended upward.

5 (4) Disobey any traffic signal or signs placed in
6 accordance with this title unless otherwise directed by a
7 peace officer.

8 (5) Without a securely fastened helmet on the head of an
9 individual who operates or is a passenger on a snowmobile or
10 ATV or OHM or who is being towed or otherwise propelled by a
11 snowmobile. The department shall specify the types of helmets
12 allowed through rules and regulations.

13 Section 7. Title 75 is amended by adding a section to read:

14 § 7726.1. Pennsylvania Recreational Trails Advisory Committee.

15 (a) Establishment.--There is hereby established under the
16 jurisdiction of the department a committee known as the
17 Pennsylvania Recreational Trails Advisory Committee.

18 (b) Composition.--The advisory committee shall be appointed
19 within three months of the effective date of this section and
20 biannually thereafter. The committee shall be composed of six
21 members appointed by the Secretary of Environmental Resources
22 from nominations submitted by motorized recreational trail
23 organizations, three each representing the following motorized
24 recreational trail uses:

25 (1) Off-highway motorcycling.

26 (2) Snowmobiling.

27 (3) All-terrain vehicle riding.

28 (c) Responsibilities.--The advisory committee shall review
29 existing and proposed regulations, standards and procedures for
30 all trail acquisition, construction, development and

1 maintenance. The advisory committee may also make
2 recommendations on trail sites, trail site acquisition and the
3 allocation of fees collected pursuant to this chapter regarding
4 acquisition, construction and maintenance of trails. The
5 advisory committee shall meet at least twice annually.

6 (d) Advisory committee actions.--The recommendations of the
7 advisory committee shall be submitted to the secretary, who
8 shall give due consideration to them.

9 (e) Annual report.--The advisory committee shall present to
10 the secretary an annual report on its activities.

11 (f) Definition.--As used in this section, the term "advisory
12 committee" means the Pennsylvania Recreational Trails Advisory
13 Committee.

14 Section 8. Sections 7727, 7728, 7729, 7741, 7742(b), 7743
15 and 7751 of Title 75 are amended to read:

16 § 7727. Additional limitations on operation.

17 Except as otherwise permitted under Title 34 (relating to
18 game), no person shall:

19 (1) Operate or ride in any snowmobile or ATV or OHM with
20 any bow and arrows or with any firearm in his possession
21 unless it is unstrung or unloaded.

22 (2) Drive or pursue any game or wildlife with a
23 snowmobile or an ATV or an OHM.

24 § 7728. Accidents and accident reports.

25 (a) Duty to stop and provide information.--Whenever any
26 snowmobile or ATV or OHM is involved in an accident resulting in
27 loss of life, personal injury or damage to property and the
28 operator thereof has knowledge of such accident, he shall stop
29 and give his name and address, the name and address of the owner
30 thereof and the registration number of the snowmobile or ATV or

1 OHM to the injured person or the person sustaining the damage or
2 to a police officer. In case no police officer nor the person
3 sustaining the damage is present at the place where the damage
4 occurred, then the operator shall immediately report, as soon as
5 he is physically able, the accident to the nearest law
6 enforcement agency.

7 (b) Report of accident to department.--The operator of any
8 snowmobile or ATV or OHM involved in any accident resulting in
9 injuries to or death of any person or resulting in property
10 damage to the estimated amount of \$100 or more shall, within
11 seven days after such accident, report the matter in writing to
12 the department. If the operator is physically incapable of
13 making the report and there is another participant in the
14 accident not so incapacitated, the participant shall make the
15 report within the prescribed period of time after the accident.
16 In the event that there is no other participant and the operator
17 is other than the owner, then the owner shall within the
18 prescribed period of time, after learning of the facts of such
19 accident, report the matter to the department, together with
20 such information as may have come to his knowledge relating to
21 such accident. Every operator or owner of a snowmobile or an ATV
22 or an OHM in an accident, or surviving participant of any such
23 accident, shall make such other and additional reports as the
24 department shall require.

25 (c) Report by law enforcement officer.--A law enforcement
26 officer who investigates or receives information of an accident
27 involving a snowmobile or an ATV or an OHM shall make a written
28 report of the investigation or information received, and such
29 additional facts relating to the accident as may come to his
30 knowledge, and mail the same within 48 hours to the department

1 and keep a record thereof in his office.

2 (d) Exception.--This section does not apply when property
3 damage is sustained in sanctioned snowmobile or ATV or OHM
4 races, derbies and rallies.

5 § 7729. Liability of owner for negligence.

6 (a) General rule.--Negligence in the use or operation of a
7 snowmobile or an ATV or an OHM is attributable to the owner.
8 Every owner of a snowmobile or an ATV or OHM used or operated in
9 this Commonwealth shall be liable and responsible for death or
10 injury to person or damage to property resulting from negligence
11 in the use or operation of such snowmobile or ATV or OHM by any
12 person using or operating the snowmobile or ATV or OHM with the
13 permission, express or implied, of such owner.

14 (b) Exception.--The negligence of the operator shall not be
15 attributed to the owner as to any claim or cause of action
16 accruing to the operator or his legal representative for such
17 injuries or death.

18 § 7741. Head lamps and tail lamps.

19 (a) Time of operation.--Every snowmobile or ATV or OHM
20 operated during hours of darkness shall display a lighted head
21 lamp and tail lamp. The lights shall be in operation during the
22 period of from one-half hour after sunset to one-half hour
23 before sunrise and at any time when, due to insufficient light
24 or unfavorable atmospheric conditions caused by fog or
25 otherwise, other persons, vehicles and other objects are not
26 clearly discernible for a distance of 500 feet ahead.

27 (b) Head lamp requirements.--The head lamp shall display
28 white light of sufficient illuminating power to reveal any
29 person, vehicle or substantial object at a distance of 100 feet
30 ahead.

1 (1) If the snowmobile or ATV or OHM is equipped with a
2 multiple beam head lamp, the upper beam shall meet the
3 minimum requirements set forth in this section and the
4 lowermost beam shall be so aimed and of sufficient intensity
5 to reveal persons and vehicles at a distance of at least 50
6 feet ahead.

7 (2) If the snowmobile or ATV or OHM is equipped with a
8 single beam head lamp, the lamp shall be so aimed that when
9 the vehicle is loaded none of the high intensity portion of
10 the light, at a distance of 75 feet ahead, projects higher
11 than the level of the center of the lamp from which it comes.

12 (c) Tail lamp requirements.--The tail lamp shall display a
13 red light plainly visible during darkness from a distance of 500
14 feet.

15 § 7742. Brakes.

16 * * *

17 (b) ATV's and OHM's.--It is unlawful to operate an ATV or an
18 OHM which is not equipped with a braking system which may be
19 operated by hand or foot, capable of producing deceleration of
20 14 feet per second on level ground at a speed of 20 miles per
21 hour, and the design must permit simple and easy adjustment to
22 compensate for wear.

23 § 7743. Mufflers and noise control.

24 (a) General rule.--It is unlawful to operate a snowmobile or
25 an ATV or an OHM which is not equipped at all times with a
26 muffler in good working order which blends the exhaust noise
27 into the overall snowmobile or ATV or OHM noise and is in
28 constant operation to prevent excessive or unusual noise. The
29 exhaust system shall not emit or produce a sharp popping or
30 crackling sound. The sound intensity produced by a snowmobile

1 shall not exceed 82dbA when measured in accordance with SAE
2 Recommended Practice J 192 Exterior Sound Level for Snowmobiles,
3 as amended. The department may by regulation adopt more
4 stringent noise requirements for snowmobiles. The department
5 shall by regulation adopt noise requirements for in-use
6 operation of ATV's or OHM's using measurement procedures in
7 accordance with ANSI/SAE Recommended Practice J 1287 March 1982,
8 Measurement of Exhaust Level of Stationary Motorcycles. The
9 sound level intensity produced by an ATV or OHM shall not exceed
10 99dbA, or decibels, when measured at 20 inches.

11 (b) Modified mufflers prohibited.--It is unlawful to modify
12 a muffler or to operate a snowmobile or an ATV or OHM with a
13 modified muffler so as to increase the sound level of the
14 snowmobile or ATV or OHM above the level allowed by this
15 section.

16 (c) Exception.--This section does not apply to organized
17 races or similar competitive events.

18 § 7751. Enforcement personnel and procedures.

19 (a) Duty of enforcement.--Every law enforcement officer in
20 this Commonwealth and designated officers and employees of the
21 department shall enforce the provisions of this chapter.

22 (b) Forms and procedures.--The department may prescribe the
23 form of summons or complaint, or both, in all cases involving a
24 violation of any provision of this chapter or of any ordinance,
25 rule or regulation relating to snowmobiles or ATV's or OHM's, or
26 of any class or category of such cases, and may establish
27 procedures for proper administrative controls over the
28 disposition thereof.

29 (c) Records and reports.--The chief executive officer of
30 each local police force, sheriffs and the Commissioner of the

1 Pennsylvania State Police shall prepare or cause to be prepared
2 such records and reports as may be prescribed under this
3 section.

4 (d) Rules and regulations.--The department may promulgate
5 such rules and regulations as may be deemed necessary to
6 accomplish the purposes and enforce the provisions of this
7 section including requirements for reporting by trial courts
8 having jurisdiction over snowmobile and ATV or OHM violations.

9 Section 9. This act shall take effect in 60 days.