

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 747 Session of
1993

INTRODUCED BY PERZEL, TIGUE, PESCI, MILLER, BELFANTI AND
HENNESSEY, MARCH 22, 1993

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 22, 1993

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for ATV registration.

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

5 Section 1. The heading of Subchapter B of Chapter 77 of
6 Title 75 of the Pennsylvania Consolidated Statutes is amended to
7 read:

8 CHAPTER 77

9 SNOWMOBILES AND ALL-TERRAIN VEHICLES

10 * * *

11 SUBCHAPTER B

12 CERTIFICATES OF TITLE [AND] REGISTRATION

13 AND REGISTRATION PLATES

14 Section 2. Sections 7712, 7713 and 7714 of Title 75 are
15 amended to read:

16 § 7712. Registration of snowmobiles and registration and
17 issuance of certificates of title for ATV's.

1 (a) General rule.--Upon application therefor upon a form
2 prescribed and furnished by the department which shall contain a
3 full description of the snowmobile or ATV, the actual and bona
4 fide name and address of the owner, proof of ownership and any
5 other information the department may reasonably require, and
6 which shall be accompanied by the required fee, the department
7 shall issue a certificate of registration of a snowmobile or an
8 ATV [and a decal showing the expiration date to the owner].

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

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

17 (1) Each individual resident registration for two years,
18 \$20 for a snowmobile and \$20 for an ATV.

19 (2) Each individual nonresident registration for two
20 years, \$20 for a snowmobile and \$20 for an ATV.

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

22 [(4) Replacement of a lost, mutilated or destroyed
23 certificate or decal, \$1.

24 (5)] (4) Transfers of snowmobile and ATV registrations
25 as described in section 7713 (relating to certificates of
26 registration [and decals]), \$3.

27 [(6)] (5) Certificate of title for an ATV, \$15.

28 (d) Exemptions from fees.--No fee is required for the
29 registration of snowmobiles or ATV's owned by:

30 (1) The Commonwealth.

1 (2) Political subdivisions.

2 (3) Volunteer organizations and used exclusively for
3 emergency purposes.

4 § 7713. Certificates of registration [and decals].

5 (a) General rule.--Except as otherwise provided in this
6 chapter, it is unlawful to operate a snowmobile or an ATV unless
7 a certificate of registration has been issued therefor [and
8 unless there is displayed thereon the permanent or temporary
9 registration decal].

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

22 [(c) Display of registration decal.--The department shall
23 issue registration decals no larger than 3 1/2 by 6 inches that
24 shall be displayed on both sides of the cowling of the
25 snowmobile for which issued. The department shall by regulation
26 prescribe the manner in which the registration decals shall be
27 displayed on various types of ATV's.]

28 (d) Expiration on transfer.--The certificate of registration
29 issued to the owner of a snowmobile or an ATV shall expire [and
30 the decal shall become invalid] when ownership of the snowmobile

1 or ATV is transferred. Upon any transfer, the seller (and former
2 owner) shall, within 15 days from the date of sale, return to
3 the department the certificate of registration previously issued
4 to him with the date of sale, name and residence of the new
5 owner endorsed on the back. If the former owner applies for
6 registration of a different snowmobile or ATV and pays a
7 transfer fee, he may be issued, in his name, a certificate of
8 registration for that snowmobile or ATV for the remainder of the
9 registration period without payment of a registration fee.

10 (e) Suspension or revocation.--The department may suspend or
11 revoke the certification of registration for a snowmobile or an
12 ATV upon conviction of the owner of any offense under this
13 chapter.

14 § 7714. Exemptions from registration.

15 (a) General rule.--No certificate of registration [or decal]
16 shall be required for a snowmobile or an ATV:

17 (1) Owned and used by the United States or another
18 state, or a political subdivision thereof, but such
19 snowmobile shall display the name of the owner on the cowling
20 thereof, and such ATV shall display the name of the owner in
21 a manner prescribed by regulation of the department.

22 (2) Covered by a valid registration or license of
23 another state, province or country.

24 (3) Owned and operated on lands owned by the owner or
25 operator of the snowmobile or ATV or on lands to which he has
26 a contractual right other than as a member of a club or
27 association, provided the snowmobile or ATV is not operated
28 elsewhere within this Commonwealth.

29 (b) Penalty.--Any person violating the provisions of
30 subsection (a)(3) commits a summary offense and shall, upon

1 conviction, be sentenced to pay a fine of \$300 or 90 days
2 imprisonment, or both.

3 Section 3. Title 75 is amended by adding sections to read:

4 § 7718. Issuance of registration plates.

5 (a) General rule.--Registration plates shall be provided by
6 the department.

7 (b) Information on plate.--Every registration plate shall
8 have displayed upon it the identifying numbers or letters
9 assigned to the ATV, the name of the Commonwealth, which may be
10 abbreviated, and any other data the department may deem
11 necessary.

12 (c) Temporary registration plates.--The department shall
13 provide temporary registration plates for use on ATV's which are
14 to be removed from this Commonwealth or for use as necessary
15 pending issuance of permanent registration plates.

16 (d) Reflectorizing material on plate.--All registration
17 plates except temporary plates shall be treated with
18 reflectorizing material in accordance with standards approved by
19 the department.

20 (e) Issuance of plates by agents.--The department may
21 deliver registration plates to designated agents, who shall have
22 the authority to issue them in conjunction with the issuance of
23 temporary registration cards.

24 § 7719. Display of registration plate.

25 (a) General rule.--Every registration plate shall at all
26 times be securely fastened to the ATV to which it is assigned or
27 on which its use is authorized in accordance with regulations
28 promulgated by the department.

29 (b) Obscuring plate.--It is unlawful to display on any ATV a
30 registration plate which is so dirty as to prevent the reading

1 of the numbers or letters thereon at a reasonable distance or is
2 otherwise illegible at a reasonable distance or is obscured in
3 any manner.

4 § 7720. Lost, stolen, damaged or illegible registration plate.

5 (a) Application for new plate.--The registrant of the ATV
6 shall within 48 hours of discovering the loss, theft or
7 defacement apply to the department for a new plate and report
8 the loss or theft of a plate to the police.

9 (b) Substitute registration.--Where the registration plate
10 has been lost or stolen and in any other case in which the
11 department may deem it advisable, the original registration
12 shall be canceled and substitute registration issued under a new
13 registration number other than that originally issued. Upon
14 receipt of substitute registration, it shall be the duty of the
15 registrant to return the old registration plates and card to the
16 department, unless lost or destroyed.

17 (c) Affidavit to avoid penalty.--No owner or operator of an
18 ATV shall be subject to a fine for the reason that the
19 registration plate is missing if they have in their possession
20 an affidavit that the plate was lost or stolen and that
21 application for new plate or plates was made within 48 hours as
22 required in this section.

23 § 7720.1 Return of registration plate.

24 (a) General rule.--A registration plate shall be returned to
25 the department if the registrant no longer has an ATV titled in
26 this Commonwealth.

27 (b) Time for return of plate.--Each registration plate
28 required to be returned under this section shall be returned to
29 the department within five days of the occurrence requiring its
30 return.

1 (c) Statement accompanying returned plate.--Each returned
2 registration plate shall be accompanied by a statement of the
3 reason for the return of the plate and the date of the
4 occurrence requiring its return.

5 § 7720.2. Registration plates for manufacturers and dealers.

6 (a) General rule.--The department shall issue to a
7 manufacturer or registered dealer of ATV's, upon posting of a
8 bond in the amount of \$10,000, special registration plates which
9 may be displayed on ATV's in lieu of registering each ATV
10 individually.

11 (b) Bond already on file.--An authorized dealer or
12 manufacturer who has filed a bond with the Commonwealth shall
13 not be required to file a separate bond under this section if
14 the bond already on file with the Commonwealth is in the name of
15 the Commonwealth and in an amount and coverage at least equal to
16 that required under this section.

17 (c) Application for plates.--Application for dealer
18 registration plates shall be made by the dealer or manufacturer
19 on a form provided by the department, together with a copy of
20 his dealer registration number.

21 (d) Exemption from individual registration.--ATV's
22 displaying dealer registration plates may be operated without
23 registering each ATV individually, provided that the plates are
24 used in accordance with the limitations of section 7720.3
25 (relating to use of dealer registration plates).

26 § 7720.3. Use of dealer registration plates.

27 (a) General rule.--Dealer registration plates may be used on
28 any ATV owned or in possession of a dealer or manufacturer but
29 only if the ATV is being held for sale, is unladen except for
30 safety equipment, jumper cables and similar items or is being

1 used for any of the following purposes:

2 (1) Personal use of the dealer or members of his
3 immediate family, or when the dealer is a corporation, for
4 the personal use of the officers or members of their
5 immediate families or for the personal use of the regular
6 employees of the dealer.

7 (2) Testing ATV's in the possession of the dealer or
8 manufacturer.

9 (3) Demonstrating ATV's in the possession of the dealer
10 or manufacturer.

11 (4) Loaning to customers whose ATV's are being repaired.

12 (5) Loaning to prospective purchasers for a period not
13 exceeding five days for the purpose of demonstrating ATV's.

14 (b) Records.--Records shall be kept by the dealer in a
15 manner prescribed by the department indicating which ATV's have
16 been used as provided in subsection (a)(4) and (5). The records
17 shall be open to inspection by representatives of the department
18 and police officers.

19 Section 4. This act shall take effect in 60 days.