

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2043

 Session of 2007

INTRODUCED BY HALUSKA, BENNINGHOFF, CAPPELLI, GEIST, GODSHALL,
HENNESSEY, HERSHEY, W. KELLER, KOTIK, KULA, MAHONEY, MOUL,
READSHAW, SIPTROTH, SONNEY, STABACK, YOUNGBLOOD AND ELLIS,
NOVEMBER 19, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
SEPTEMBER 24, 2008

AN ACT

1 ~~Amending Titles 32 (Forests, Waters and State Parks), 42~~ <—
2 ~~(Judiciary and Judicial Procedure) and 75 (Vehicles) of the~~
3 ~~Pennsylvania Consolidated Statutes, reconsolidating~~
4 ~~provisions on snowmobiles and all terrain vehicles; further~~
5 ~~providing for the definition of "all terrain vehicle"; and~~
6 ~~making editorial changes.~~
7 AMENDING TITLE 75 (VEHICLES) OF THE PENNSYLVANIA CONSOLIDATED <—
8 STATUTES, FURTHER PROVIDING FOR THE DEFINITION OF "ALL-
9 TERRAIN VEHICLE."

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 ~~Section 1. Title 32 of the Pennsylvania Consolidated~~ <—
13 ~~Statutes is amended by adding a chapter to read:~~

14 CHAPTER 77

15 SNOWMOBILES AND ALL TERRAIN VEHICLES

16 Subchapter

17 A. General Provisions

18 B. Certificates of Title and Registration

19 C. Operation

20 D. Equipment

~~E. Miscellaneous Provisions~~

~~SUBCHAPTER A~~

~~GENERAL PROVISIONS~~

~~Sec.~~

~~7701. Short title of chapter.~~

~~7702. Definitions.~~

~~7703. Applicability of chapter.~~

~~7704. Rules and regulations.~~

~~7705. Records and reports.~~

~~7706. Restricted account.~~

~~§ 7701. Short title of chapter.~~

~~This chapter shall be known and may be cited as the
Snowmobile and All Terrain Vehicle Act.~~

~~§ 7702. Definitions.~~

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

~~"All terrain vehicle" or "ATV." A motorized off highway
vehicle which travels on three or more inflatable tires and
which has:~~

~~(1) a maximum width of 50 inches and a maximum dry
weight of 1,000 pounds; or~~

~~(2) a width which exceeds 50 inches or a dry weight
which exceeds 1,000 pounds.~~

~~ATVs described in paragraph (1) may be referred to as Class I
ATVs, and ATVs described in paragraph (2) may be referred to as
Class II ATVs. This term does not include snowmobiles, trail
bikes, motorboats, golf carts, aircraft, dune buggies,
automobiles, construction machines, trucks or home utility
machines; military, fire, emergency and law enforcement~~

~~vehicles; implements of husbandry; multipurpose agricultural vehicles; vehicles used by the Department of Conservation and Natural Resources; or any vehicle that is or is required to be registered under 75 Pa.C.S. Ch. 13 (relating to registration of vehicles). In addition, this term does not include off road motor vehicles used exclusively as utility vehicles for agricultural or business operations and incidentally operated or moved upon the highway.~~

~~"Dealer." A person engaged in the business of selling snowmobiles or all terrain vehicles at wholesale or retail who is registered or required to be registered under section 7711 (relating to registration of dealers).~~

~~"Department." The Department of Conservation and Natural Resources of the Commonwealth.~~

~~"Head lamp." A major lighting device used to provide general illumination ahead of a vehicle.~~

~~"Highway." The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.~~

~~"Snowmobile." An engine driven vehicle which is all of the following:~~

~~(1) Is designed to travel over snow or ice.~~

~~(2) Has an endless belt track or tracks.~~

~~(3) Is steered by a ski or skis.~~

~~(4) Has an overall width of 48 inches or less.~~

~~The term does not include a farm tractor, construction equipment, military vehicle, vehicle with inflatable tires or machinery used strictly for the grooming of snowmobile trails.~~

~~"Street." A highway, other than an alley, within the corporate limits of a political subdivision.~~

~~"Tail lamp." A device to designate the rear of a vehicle by
a warning light.~~

~~§ 7703. Applicability of chapter.~~

~~This chapter does not apply to law enforcement officers while
engaged in the performance of their official duties.~~

~~§ 7704. Rules and regulations.~~

~~The department may promulgate such rules and regulations as
may be necessary to carry out the provisions of this chapter.~~

~~§ 7705. Records and reports.~~

~~The provisions of 75 Pa.C.S. Ch. 63 Subch. B (relating to
records of traffic cases) relating to records and reports shall
be applicable to proceedings under this chapter.~~

~~§ 7706. Restricted account.~~

~~(a) Deposit and use of moneys.~~

~~(1) The department shall deposit the following into a
restricted account, which is hereby established:~~

~~(i) all moneys received from the registration of and
issuance of certificates of title for snowmobiles and
ATVs;~~

~~(ii) all revenue from the sale of any publications
or services relating to snowmobiles and ATVs; and~~

~~(iii) all fines, penalties, fees and costs assessed
and collected as a result of enforcement activities
conducted by the department's law enforcement personnel
under this chapter.~~

~~(2) The department shall draw moneys from the restricted
account for use in performing any activities necessary to
carry out the purposes of this chapter, including
registration and certificate of title activities, training,
education, enforcement activities, construction and~~

~~maintenance of snowmobile and ATV trails and acquisition of equipment, supplies and interests in land. All moneys deposited in this account shall remain in it to be used as specified in this section.~~

~~(3) The provisions of 42 Pa.C.S. § 3573(b)(2) (relating to municipal corporation portion of fines, etc.) notwithstanding, when prosecution under this chapter is the result of local police action, all fines, penalties, fees and costs assessed as a result of such prosecution shall be payable to the municipal corporation under which the local police are organized.~~

~~(b) Grant in aid. The department shall, upon written application and subsequent approval, grant money from the restricted account:~~

~~(1) To municipalities and profit and nonprofit organizations in connection with snowmobile and ATV use on lands not owned by the Commonwealth for the following:~~

~~(i) Plans, specifications and engineering surveys.~~

~~(ii) Fees and costs related to the preparation or performance of right of way lease agreements.~~

~~(iii) Land acquisition.~~

~~(iv) Construction, maintenance and rehabilitation of trails and other facilities for snowmobiles and ATVs.~~

~~(2) To municipalities and profit and nonprofit organizations for equipment, training and education activities relating to snowmobile and ATV use.~~

~~(3) To profit and nonprofit organizations for the maintenance and rehabilitation, but not the construction, of snowmobile and ATV trails on land owned by the Commonwealth.~~

~~(c) Audit of moneys. The restricted account shall be~~

~~audited every two years. Copies of the audit shall be provided
to the Snowmobile and ATV Advisory Committee.~~

~~SUBCHAPTER B~~

~~CERTIFICATES OF TITLE AND REGISTRATION~~

~~Sec.~~

~~7711. Registration of dealers.~~

~~7711.1. Registration of snowmobile or ATV.~~

~~7711.2. Limited registration of snowmobile or ATV.~~

~~7712.1. Certificate of title for snowmobile or ATV.~~

~~7712.2. Transfer to or from dealer.~~

~~7712.3. Transfer of snowmobile or ATV by operation of law.~~

~~7712.4. Correction of certificate of title.~~

~~7712.5. Issuance of new certificate following transfer.~~

~~7712.6. Suspension and cancellation of certificate of title.~~

~~7712.7. Application for certificate of title by agent.~~

~~7712.8. Perfection of security interest in a snowmobile or~~

~~ATV.~~

~~7712.9. Satisfaction of security interest.~~

~~7712.10. Release of security interest.~~

~~7712.11. Effectiveness of security interests.~~

~~7712.12. Assignment by secured party of security interest.~~

~~7712.13. Exemptions.~~

~~7715.1. Snowmobile or ATV purchased from dealer.~~

~~7715.2. Fees.~~

~~7716. Records.~~

~~7717. Snowmobile and ATV Advisory Committee.~~

~~§ 7711. Registration of dealers.~~

~~(a) General rule. A person who is in the business of
selling snowmobiles or ATVs in this Commonwealth shall register
with the department as a dealer. A person who is in the business~~

~~of selling snowmobiles or ATVs outside this Commonwealth may register with the department as a dealer.~~

~~(b) Issuance. Upon receipt of an application upon a form prescribed and furnished by the department which shall contain information reasonably required by the department and which shall be accompanied by the required fee, the department shall issue to a dealer:~~

~~(1) An annual dealer registration certificate containing a dealer registration number and expiration date.~~

~~(2) Three annual dealer registration plates displaying the expiration date of the dealer registration.~~

~~(3) Three annual dealer plate registration cards displaying the expiration date of the dealer registration.~~

~~(c) Registration not transferable. A dealer registration certificate, dealer registration plate and dealer plate registration card are not transferable.~~

~~(d) Expiration of registration. A dealer registration certificate, dealer registration plate and dealer plate registration card expire effective the day after the expiration date displayed on them. A dealer registration certificate, dealer registration plate or dealer plate registration card that has expired is not valid.~~

~~(e) Use of dealer registration plates. A dealer may operate or permit to be operated within this Commonwealth a snowmobile or ATV owned by or in the possession of the dealer if:~~

~~(1) A valid dealer registration certificate issued to the dealer under this section is displayed conspicuously in the dealer's place of business.~~

~~(2) The operator carries a valid dealer registration card issued to the dealer under this section.~~

~~(3) There is displayed on the snowmobile or ATV in a manner prescribed by the department a valid dealer registration plate issued to the dealer under this section.~~

~~(4) The snowmobile or ATV is operated only for the purpose of demonstration or testing in connection with the dealer's business.~~

~~§ 7711.1. Registration of snowmobile or ATV.~~

~~(a) General rule. Except as otherwise provided in subsection (f), it is unlawful for a person to operate or for an owner to permit another person to operate a snowmobile or an ATV unless:~~

~~(1) There is carried on the snowmobile or ATV a valid registration certificate issued therefor pursuant to subsection (b).~~

~~(2) There is displayed on the snowmobile a registration decal, or on the ATV a registration plate, issued therefor pursuant to subsection (b).~~

~~(3) The display of the registration decal or plate is in the manner prescribed by the department.~~

~~(4) There is displayed on the snowmobile or ATV a valid expiration sticker issued therefor pursuant to subsection (b).~~

~~(5) The display of the expiration sticker is in the manner prescribed by the department.~~

~~(b) Issuance. Upon receipt of an application therefor upon a form prescribed and furnished by the department which shall contain information reasonably required by the department and which shall be accompanied by the required fee, the department shall issue to the owner of a snowmobile or ATV:~~

~~(1) A biennial registration certificate containing the~~

~~registration number for the snowmobile or ATV and the
expiration date of the registration.~~

~~(2) A registration decal displaying the registration
number for a snowmobile or a registration plate displaying
the registration number for an ATV.~~

~~(3) A biennial expiration sticker displaying the
expiration date of the registration.~~

~~(c) Temporary registration. Temporary registration for a
period not to exceed 45 days may be issued by a dealer as
prescribed by the department. Proof of temporary registration
shall be carried and displayed as prescribed by the department.~~

~~(d) Expiration of registration.~~

~~(1) Except as provided in paragraph (2), a registration
certificate and an expiration sticker shall expire effective
the day after the expiration date appearing on the
registration certificate and expiration sticker.~~

~~(2) Upon transfer of ownership of a snowmobile or ATV
during a registration period, the registration certificate
and expiration sticker shall expire. The transferor shall,
within 15 days from the date of transfer, return to the
department the registration certificate with the date of
transfer and the name and address of the new owner endorsed
on the back. If the transferor applies for registration of a
different snowmobile or ATV and pays the required transfer
fee, the transferor may be issued in the name of the
transferor a registration certificate and expiration sticker
for that snowmobile or ATV for the remainder of the
registration period without payment of a registration fee.
The registration decal or plate shall not be removed from a
snowmobile or ATV upon transfer to the new owner and is~~

~~invalid until the new owner is issued a registration
certificate or limited registration certificate for the
snowmobile or ATV.~~

~~(3) An expired general registration certificate and an
expired expiration sticker are invalid.~~

~~(c) Suspension or revocation. If a person violates this
chapter or is convicted of any offense under this chapter, the
department may suspend or revoke a registration certificate and
an expiration sticker. A suspended or revoked registration
certificate or expiration sticker is invalid.~~

~~(f) Exemptions from registration. Subsection (a) does not
apply if:~~

~~(1) The snowmobile or ATV is owned by or in the
possession of a dealer who has been issued a dealer
registration certificate, dealer registration plates and
dealer plate registration cards under section 7711 (relating
to registration of dealers), the dealer is in compliance with
section 7711 and the snowmobile or ATV is used in accordance
with section 7711.~~

~~(2) The snowmobile or ATV is owned and used by the
United States or another state or a political subdivision
thereof, in which case the snowmobile or ATV shall display
the name of the owner in a manner prescribed by the
department.~~

~~(3) The snowmobile or ATV is operated on land owned or
leased by the owner or operator of the snowmobile or ATV and
it is not operated elsewhere within this Commonwealth.~~

~~(4) The owner of the snowmobile or ATV is not a resident
of this Commonwealth and the operator presents proof that the
snowmobile or ATV has been properly registered in another~~

~~jurisdiction that exempts from its registration requirements persons who have obtained proper registration under this chapter.~~

~~§ 7711.2. Limited registration of snowmobile or ATV.~~

~~(a) General rule. It is unlawful for a person to operate or for an owner to permit another person to operate a snowmobile or ATV identified in section 7711.1(f)(3) (relating to registration of snowmobile or ATV) unless:~~

~~(1) A limited registration certificate has been issued therefor pursuant to subsection (b).~~

~~(2) There is displayed on the snowmobile a valid registration decal or on the ATV a valid registration plate issued pursuant to subsection (b).~~

~~(3) The display of the registration decal or plate is in the manner prescribed by the department.~~

~~(b) Issuance. Upon receipt of an application therefor upon a form prescribed and furnished by the department which shall contain information reasonably required by the department, the department shall issue to the owner of a snowmobile or ATV for which limited registration is required under subsection (a):~~

~~(1) A limited registration certificate containing the registration number for the snowmobile or ATV.~~

~~(2) A registration decal displaying the registration number for a snowmobile or a registration plate displaying the registration number for an ATV.~~

~~(c) Temporary limited registration. Temporary limited registration for a period not to exceed 45 days may be issued by a dealer as prescribed by the department. Proof of temporary limited registration shall be displayed as prescribed by the department.~~

~~(d) Transfer of ownership. Upon transfer of ownership of a snowmobile or ATV for which a limited registration certificate has been issued, the limited registration certificate shall become invalid. The transferor shall, within 15 days from the date of transfer, return to the department the limited registration certificate with the date of transfer and the name and address of the new owner endorsed on the back. The registration decal or plate shall not be removed from the snowmobile or ATV upon transfer to the new owner and is invalid until the new owner obtains a registration certificate or limited registration certificate for the snowmobile or ATV.~~

~~(e) Suspension or revocation. If a person violates this chapter or is convicted of any offense under this chapter, the department may suspend or revoke a limited registration certificate. A suspended or revoked limited registration certificate is invalid.~~

~~§ 7712.1. Certificate of title for snowmobile or ATV.~~

~~(a) General rule. Except as otherwise provided in subsection (b), an owner of a snowmobile or ATV which is in this Commonwealth and for which no certificate of title has been issued shall apply to the department for a certificate of title.~~

~~(b) Exemptions from titling. No certificate of title is required for:~~

~~(1) A snowmobile or ATV that was registered prior to February 10, 1987.~~

~~(2) A snowmobile or ATV owned by the United States unless a general registration certificate has been issued therefor.~~

~~(3) A new snowmobile or ATV owned by a dealer before and until sale.~~

~~(4) A snowmobile or ATV owned by a nonresident of this Commonwealth and not required by law to be registered in this Commonwealth.~~

~~(5) A snowmobile or ATV owned by a resident of this Commonwealth and required by law to be registered in another state, based and used principally outside of this Commonwealth and not required by law to be registered in this Commonwealth.~~

~~(c) Contents of application. Application for a certificate of title shall be made upon a form prescribed and furnished by the department and shall contain a full description of the snowmobile or ATV, date of purchase, the name and address of the owner, a statement of the title of applicant, together with any other information or documents the department requires to identify the snowmobile or ATV and to enable the department to determine whether the owner is entitled to a certificate of title.~~

~~(d) Signing and filing of application. Application for a certificate of title shall be made within 15 days of the sale or transfer of a snowmobile or ATV or its entry into this Commonwealth from another jurisdiction, whichever is later. The application shall be accompanied by the required fee and any tax payable by the applicant under the laws of this Commonwealth in connection with the acquisition or use of a snowmobile or ATV or evidence to show that the tax has been paid or collected. The application shall be signed and verified by oath or affirmation by the applicant if a natural person; in the case of an association or partnership, by a member or a partner; and in the case of a corporation, by an executive officer or person specifically authorized by the corporation to sign the~~

1 ~~application.~~

2 ~~(g) Registration without certificate of title prohibited.~~

3 ~~Except as provided in subsection (b), the department shall not~~
4 ~~issue a registration certificate or limited registration~~
5 ~~certificate for a snowmobile or ATV unless a certificate of~~
6 ~~title has been issued by the department to the owner or an~~
7 ~~application for a certificate of title has been delivered by the~~
8 ~~owner to the department.~~

9 ~~(h) Refusing issuance of certificate of title. The~~
10 ~~department may refuse issuance of a certificate of title if it~~
11 ~~has reasonable grounds to believe any one of the following:~~

12 ~~(1) A required fee has not been paid.~~

13 ~~(2) Any taxes payable under the laws of this~~
14 ~~Commonwealth on or in connection with, or resulting from the~~
15 ~~acquisition or use of, the snowmobile or ATV have not been~~
16 ~~paid.~~

17 ~~(3) The applicant is not the owner of the snowmobile or~~
18 ~~ATV.~~

19 ~~(4) The application contains a false or fraudulent~~
20 ~~statement.~~

21 ~~(5) The applicant has failed to furnish required~~
22 ~~information or documents or any additional information the~~
23 ~~department reasonably requires.~~

24 ~~(j) Transfer of ownership of snowmobile or ATV.~~

25 ~~(1) Upon the sale or transfer of ownership of a~~
26 ~~snowmobile or ATV within this Commonwealth, the owner shall~~
27 ~~execute an assignment and warranty of title to the transferee~~
28 ~~in the space provided on the certificate of title or as the~~
29 ~~department prescribes, sworn to before a notary public or~~
30 ~~other officer empowered to administer oaths, and deliver the~~

~~certificate to the transferee at the time of the delivery of the snowmobile or ATV.~~

~~(2) Except as otherwise provided in section 7715.1 (relating to snowmobile or ATV purchased from dealer), the transferee shall, within 15 days of the assignment of the certificate of title, apply for a new title by forwarding to the department the certificate of title executed as required by paragraph (1), a properly completed application for certificate of title, sworn to before a notary public or other officer empowered to administer oaths, and such other forms as the department may require.~~

~~(k) Penalty. A person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced:~~

~~(1) For a first offense, to pay a fine of \$100 and costs of prosecution.~~

~~(2) For a subsequent offense, to pay a fine of not less than \$300 nor more than \$1,000 and costs of prosecution.~~

~~§ 7712.2. Transfer to or from dealer.~~

~~(a) Transfer to dealer. If a dealer acquires a snowmobile or ATV for the purpose of resale, a certificate of title need not be applied for as provided for in section 7712.1 (relating to certificate of title for snowmobile or ATV), but the dealer shall, within seven days from the date of acquisition, forward to the department, upon a form prescribed and furnished by the department, notification of the acquisition of the snowmobile or ATV.~~

~~(b) Execution and display of notice of transfer. A dealer making notification pursuant to subsection (a) shall execute at least three copies of the notification, the original of which shall be forwarded to the department, one copy to accompany the~~

~~snowmobile or ATV in any subsequent transfer and one copy to be retained by the dealer for at least one year after a subsequent transfer, to be exhibited, with the assigned certificate of title, upon request of a police officer or authorized department employee.~~

~~(c) Transfer from dealer. Except as otherwise provided in subsection (a), if a dealer transfers the dealer's interest in a snowmobile or ATV:~~

~~(1) The dealer shall execute an assignment and warranty of title to the transferee in the space provided on the certificate of title or as the department prescribes.~~

~~(2) The transferee shall complete the application for certificate of title in the name of the transferee, sworn to before a notary public or other officer empowered to administer oaths.~~

~~(3) The dealer shall forward to the department the certificate of title executed as required by paragraph (1), a properly completed application for certificate of title and such other forms as the department may require within 15 days of the transfer.~~

~~(d) Exception for repossessed snowmobiles or ATVs. This section does not apply to a snowmobile or ATV repossessed upon default of performance of a lease, contract of conditional sale or similar agreement.~~

~~(e) Penalty and suspension or revocation of dealer registration. A dealer who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50. If a dealer violates this section, the department may suspend or revoke the registration issued under section 7711 (relating to registration of dealers).~~

~~§ 7712.3. Transfer of snowmobile or ATV by operation of law.~~

~~(a) General rule. If the interest of an owner in a snowmobile or ATV 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 sufficient or required by law to evidence or effect a transfer of title or interest in or to chattels in such case.~~

~~(b) Transfer to surviving spouse. Transfer of a certificate of title to a surviving spouse, or a person designated by the spouse, may be made without the necessity of filing for letters of administration, notwithstanding the fact that there are minor children surviving the decedent, if the surviving spouse files an affidavit that all debts of the decedent have been paid.~~

~~(c) Surrender of certificate. A person holding a certificate of title, whose interest in a snowmobile or ATV has been extinguished or transferred other than by voluntary transfer, shall immediately surrender the certificate of title to the person to whom the right to possession of the snowmobile or ATV has passed. Upon request of the department, such person shall mail or deliver the certificate to the department. Delivery of the certificate pursuant to the request of the department does not affect the rights of the person surrendering the certificate.~~

~~§ 7712.4. Correction of certificate of title.~~

~~(a) General rule. When a certificate of title has been issued in error to a person not entitled to it or contains~~

~~incorrect information, or information has been omitted from the certificate, the department shall notify in writing the person to whom the certificate has been issued or delivered, and such person shall return the certificate within 48 hours, together with any other information necessary for the adjustment of the department records, and upon receipt of the certificate, the department shall cancel the certificate and issue a corrected certificate.~~

~~(b) Change in material information on certificate. If any material information on the certificate of title is changed or different from the information originally set forth, the owner shall immediately inform the department and apply for a corrected certificate. For the purposes of this subsection, a change of address is not deemed material.~~

~~(c) Seizure of certificate on conviction. Upon summary conviction for violation of this section, the department may delegate authority to a department employee or police officer to seize the certificate of title.~~

~~§ 7712.5. Issuance of new certificate following transfer.~~

~~(a) Voluntary transfer. The department, upon receipt of a properly assigned certificate of title with an application for a new certificate of title, the required fee and any other required documents and articles, shall issue a new certificate of title in the name of the transferee as owner and mail it to the first secured party named in the certificate or, if none, to the owner.~~

~~(b) Involuntary transfer. The department, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, on a form prescribed and furnished by the department together with proof satisfactory to~~

~~the department of the transfer, the required fee and any other required documents and articles, shall issue a new certificate of title in the name of the transferee as owner.~~

~~(c) Filing and retention of surrendered certificate. The department shall file and retain for five years a surrendered certificate of title, or a copy, in such a manner as to permit the tracing of title of the snowmobile or ATV.~~

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

~~(a) Return of new snowmobile or ATV. The department may cancel the certificate of title issued for a new snowmobile or ATV if it is shown by satisfactory evidence that the snowmobile or ATV has been returned to the dealer from whom obtained.~~

~~(b) Snowmobile or ATV sold to nonresidents. The department may cancel a certificate of title for a snowmobile or ATV sold to a resident of another state or foreign country if the snowmobile or ATV is to be registered in the other jurisdiction.~~

~~(c) Surrender of Pennsylvania certificate in other jurisdiction. The department, upon receipt of notification from another state or foreign country that a certificate of title issued by the department has been surrendered by the owner in conformity with the laws of the other state or foreign country, may cancel the certificate of title.~~

~~(d) Surrender of foreign certificate to department. If an owner surrenders a certificate of title from another state or foreign country to the department, the department may notify the state or foreign country so that the certificate of title may be canceled or otherwise disposed of in accordance with the law of the other jurisdiction.~~

~~(e) Conviction for misstatement of facts. The department, upon receipt of certification from the clerk of a court showing~~

~~conviction for a misstatement of facts on an application for an original or duplicate certificate of title or a transfer of a certificate of title, shall suspend the certificate of title and require that it be returned to the department within ten days of notice by the department, whereupon the department may cancel it.~~

~~(f) Nonpayment of fee. The department may suspend or cancel a certificate of title when a check received in payment of the fee is not paid on demand or when the fee for the certificate is unpaid and owing.~~

~~(g) Security interest unaffected by suspension or cancellation. Suspension or cancellation of a certificate of title does not, in itself, affect the validity of a security interest noted on the certificate.~~

~~(h) Surrender of certificate. The department may request the return of a certificate of title which has been suspended or canceled. The owner or person in possession of the certificate of title shall, within ten days of the date of request by the department, mail or deliver the certificate to the department.~~

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

~~(a) Authorization to apply. No person may apply for a certificate of title on behalf of another person unless authorization to do so is in effect and is verified by oath or affirmation of the other person, made, except as between lessors and fleet owners as lessees, not more than 15 days before the application is received by the department. A lessor may authorize a fleet owner to apply for a certificate of title for a leased snowmobile or ATV for a period of up to one year.~~

~~(b) Certificate not to be assigned in blank. No person may apply for, or assign or physically possess, a certificate of~~

~~title, or direct or allow another person in his employ or control to apply for, or assign or physically possess, a certificate of title, unless the name of the transferee is placed on the assignment of certificate of title simultaneously with the name of the transferor and duly notarized.~~

~~(c) Persons authorized to hold certificate. No person may receive, obtain or hold a certificate of title recorded in the name of another person for the other person who is not in the regular employ of, or not a member of the family of, the other person, unless the person receiving, obtaining or holding the certificate of title has a valid undischarged security interest recorded in the department against the snowmobile or ATV represented by the certificate of title.~~

~~(d) Penalty. A person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100 and costs of prosecution.~~

~~§ 7712.8. Perfection of security interest in a snowmobile or
ATV.~~

~~(a) Applicability of section. Except as otherwise provided in 13 Pa.C.S. §§ 9311(d) (relating to perfection of security interests in property subject to certain statutes, regulations and treaties), 9315(c) and (d) (relating to secured party's rights on disposition of collateral and in proceeds) and 9316(d) and (e) (relating to continued perfection of security interest following change in governing law), this section provides the exclusive method of perfecting a security interest in a snowmobile or ATV for which a certificate of title is required under this subchapter.~~

~~(b) Snowmobiles or ATVs without Pennsylvania certificate of title. If an owner creates a security interest in a snowmobile~~

~~or ATV for which a certificate of title has not been issued by the department, the owner shall, at the request of the secured party, promptly execute an application for a certificate of title on a form prescribed by the department showing the name and address of the secured party. The owner shall tender the application, the existing certificate of title, if any, and the required fee to the department. A security interest in a snowmobile or ATV is perfected at the time that such application, existing certificate of title, if any, and required fee are received by the department.~~

~~(c) Snowmobiles or ATVs with Pennsylvania certificate of title. If an owner creates a security interest in a snowmobile or ATV for which a certificate of title has been issued by the department, the owner shall, at the request of the secured party, promptly execute an application on a form prescribed by the department showing the name and address of the secured party. The owner shall tender the certificate of title, together with the application and the required fee, to the department. A security interest in a snowmobile or ATV is perfected at the time such application, certificate of title and required fee are received by the department.~~

~~(d) Certificate of title in possession of secured party. Upon request of the owner or a subordinate secured party, a secured party in possession of the certificate of title shall mail or deliver the certificate to the department or, upon receipt from the subordinate secured party of the application of the owner and the required fee, shall mail or deliver them to the department with the certificate of title. The delivery of the certificate to the department does not affect the rights of the first secured party under his security agreement.~~

~~(c) Indorsement and delivery of certificate of title. Upon receipt of the application, existing certificate of title, if any, and required fee, the department shall indorse on the existing certificate of title or the new certificate that it issues the names and addresses of all secured parties and shall mail the certificate of title to the first secured party named in the certificate.~~

~~§ 7712.9. Satisfaction of security interest.~~

~~(a) Satisfaction of secured obligation. Unless otherwise agreed by the owner, within 15 days of the satisfaction of the obligation secured by a security interest in a snowmobile or ATV, the secured party shall mail or deliver the certificate of title to the owner or to the department with a statement of satisfaction signed by the secured party. Upon receipt of the certificate of title and statement of satisfaction, the department shall issue a corrected certificate of title without an indorsement of such secured party's security interest and mail the same to the holder of the first remaining security interest or, if there is no remaining security interest, the owner.~~

~~(b) Satisfaction of subordinate secured obligation. If the certificate of title for a snowmobile or ATV is in the possession of a prior secured party, the subordinate secured party whose obligation is satisfied shall mail or deliver to the owner a signed statement of satisfaction in accordance with subsection (a). Upon request of the owner and receipt of the statement of satisfaction, the secured party in possession of the certificate of title shall mail or deliver the certificate of title, together with the statement of satisfaction, to the department. Upon receipt of the certificate of title and~~

~~evidence of satisfaction, the department shall issue a corrected certificate of title without an indorsement of the satisfied security interest and mail the same to the prior secured party.~~

~~(c) Penalties. Any person violating the provisions of this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50.~~

~~§ 7712.10. Release of security interest.~~

~~A secured party that releases a security interest in a snowmobile or ATV shall mail or deliver the certificate of title to the owner with a statement of release signed by the secured party, or the secured party may apply to the department for a corrected certificate of title to be issued in the name of the owner. Upon receipt of the certificate of title and statement of release, the department shall issue a corrected certificate of title without an indorsement of such secured party and mail the same to the holder of the first remaining security interest or, if there is no remaining secured party, the owner.~~

~~§ 7712.11. Effectiveness of security interests.~~

~~A security interest perfected in accordance with this subchapter is perfected until the secured party provides written evidence of satisfaction in accordance with section 7712.9 (relating to satisfaction of security interest) or release in accordance with section 7712.10 (relating to release of security interest) and the indorsement of the security interest is removed by the department pursuant to section 7712.9 or 7712.10.~~

~~§ 7712.12. Assignment by secured party of security interest.~~

~~(a) General rule. A secured party may assign, absolutely or otherwise, his security interest in a snowmobile or ATV to a person other than the owner without affecting the interest of the owner or the validity or perfection of the security~~

1 ~~interest.~~

2 ~~(b) Duty of assignee. An assignee who desires to become the~~
3 ~~secured party of record shall mail or deliver to the department~~
4 ~~the certificate of title and an assignment by the secured party~~
5 ~~named on the certificate of title on a form prescribed by the~~
6 ~~department accompanied by the required fee. Upon receipt of the~~
7 ~~certificate of title, assignment and fee, the department shall~~
8 ~~issue a corrected certificate of title naming the assignee as~~
9 ~~secured party.~~

10 ~~(c) Division 9. The provisions of this section are subject~~
11 ~~to 13 Pa.C.S. § 9308(c) (relating to when security interest or~~
12 ~~agricultural lien is perfected; continuity of perfection).~~

13 ~~§ 7712.13. Exemptions.~~

14 ~~The provisions of this subchapter relating to procedures for~~
15 ~~perfecting, assigning and satisfying security interests do not~~
16 ~~apply to:~~

17 ~~(1) a lien given by statute or rule of law to a supplier~~
18 ~~of services or materials for the snowmobile or ATV;~~

19 ~~(2) a lien given by statute to the United States, the~~
20 ~~Commonwealth or any political subdivision of the~~
21 ~~Commonwealth;~~

22 ~~(3) a security interest in a snowmobile or ATV described~~
23 ~~in 13 Pa.C.S. § 9311(d) (relating to perfection of security~~
24 ~~interests in property subject to certain statutes,~~
25 ~~regulations and treaties); or~~

26 ~~(4) a snowmobile or ATV for which a certificate of title~~
27 ~~is not required under this subchapter.~~

28 ~~§ 7715.1. Snowmobile or ATV purchased from dealer.~~

29 ~~(a) General rule. If a snowmobile or ATV is purchased from~~
30 ~~a dealer, the dealer shall mail or deliver to the department an~~

~~application for a registration certificate or limited
registration certificate, an application for certificate of
title, any other required forms and the required fees within 15
days of the date of purchase.~~

~~(b) Penalty. A dealer who violates subsection (a) commits a
summary offense and shall, upon conviction, be sentenced to pay
a fine of \$300 and costs of prosecution or to be imprisoned for
not more than 90 days, or both. In addition, if a dealer
violates subsection (a), the department may suspend or revoke
the registration issued under section 7711 (relating to
registration of dealers).~~

~~§ 7715.2. Fees.~~

~~(a) Fees. Except as provided in subsection (b), the
department shall collect the following fees:~~

~~(1) Certificate of title, \$22.50.~~

~~(2) Expiration sticker, \$20.~~

~~(3) Dealer registration, \$25.~~

~~(4) Replacement, due to loss or damage, of registration
certificate, limited registration certificate, registration
decals, registration plate or expiration sticker, \$5.~~

~~(5) Transfer of registration pursuant to section 7711.1
(relating to registration of snowmobile or ATV), \$5.~~

~~(6) Recording the name of a secured party on a
certificate of title, \$5.~~

~~(b) Exemptions from fees. Subsection (a) does not apply to
a snowmobile or ATV owned by:~~

~~(1) The Commonwealth.~~

~~(2) A political subdivision of this Commonwealth.~~

~~(3) A volunteer organization and used exclusively for
emergency purposes.~~

1 ~~§ 7716. Records.~~

2 ~~The department shall maintain a record, which shall be made~~
3 ~~available to all enforcement agencies, of:~~

4 ~~(1) The registration number for each snowmobile and ATV~~
5 ~~for which a registration certificate or limited registration~~
6 ~~certificate is issued.~~

7 ~~(2) The name and address of the owner of each snowmobile~~
8 ~~and ATV for which a registration certificate or limited~~
9 ~~registration certificate is issued.~~

10 ~~§ 7717. Snowmobile and ATV Advisory Committee.~~

11 ~~(a) Establishment. There is hereby established under the~~
12 ~~jurisdiction of the department a board known as the Snowmobile~~
13 ~~and ATV Advisory Committee.~~

14 ~~(b) Composition. The committee shall consist of 17 members.~~
15 ~~The members shall be as follows:~~

16 ~~(1) The chairman and minority chairman of the~~
17 ~~Environmental Resources and Energy Committee of the Senate.~~

18 ~~(2) The chairman and minority chairman of the~~
19 ~~Environmental Resources and Energy Committee of the House of~~
20 ~~Representatives.~~

21 ~~(3) One member from the Pennsylvania Game Commission.~~

22 ~~(4) One member from the Allegheny National Forest.~~

23 ~~(5) One member from the Pennsylvania State Association~~
24 ~~of Township Supervisors.~~

25 ~~(6) One member from the Pennsylvania State Association~~
26 ~~of Boroughs.~~

27 ~~(7) One member from the Pennsylvania State Association~~
28 ~~of County Commissioners.~~

29 ~~(8) Eight members of the public representing the~~
30 ~~following organizations to be appointed by the Secretary of~~

~~Conservation and Natural Resources:~~

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

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

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

~~(iv) Two members from a list of at least six
representatives submitted by conservation or nonmotorized
recreation organizations.~~

~~(v) One member from a list of at least three
representatives submitted by the Pennsylvania Travel
Council.~~

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

~~(c) Terms of appointees. The terms of all members of the
committee appointed by the Secretary of Conservation and Natural
Resources shall be three years. Any member of the committee may
be reappointed for additional terms. A person appointed to fill
a vacancy shall serve for the unexpired term and is eligible for
reappointment.~~

~~(d) Officers. The members of the committee shall annually
elect a chairman, a vice chairman and a secretary from among the
public members of the committee.~~

~~(e) Meetings and expenses.~~

~~(1) The committee shall meet at least annually.~~

~~(2) A public member, including a designee, who misses~~

~~three consecutive meetings without good cause acceptable to the chairman may be replaced by the Secretary of Conservation and Natural Resources.~~

~~(3) The public members of the committee shall be allowed actual, necessary and reasonable per diem expenses in accordance with regulations of the Executive Board. The department shall provide appropriate staff support to enable the committee to properly carry out its functions.~~

~~(f) Powers and duties. The powers and duties of the committee shall be to advise the Secretary of Conservation and Natural Resources on matters concerning the implementation of this chapter, including existing and proposed regulations, standards, policies and practices; use and operation of snowmobiles and ATVs on public and private land; acquisition, construction, development and maintenance of trails; enforcement; and allocation of fees collected by the department pursuant to this chapter.~~

~~SUBCHAPTER C~~

~~OPERATION~~

~~Sec.~~

~~7721. Operation on streets and highways.~~

~~7722. Designation of snowmobile and ATV roads.~~

~~7723. Special snowmobile and ATV events.~~

~~7724. Operation on private or State property.~~

~~7725. Operation by persons under age sixteen.~~

~~7726. Operation in safe manner.~~

~~7727. Additional limitations on operation.~~

~~7728. Accidents and accident reports.~~

~~7729. Liability of owner for negligence.~~

~~7730. Liability insurance.~~

~~§ 7721. Operation on streets and highways.~~

~~(a) General rule. Except as otherwise provided in this chapter, it is unlawful to operate a snowmobile or an ATV on any street or highway which is not designated and posted as a snowmobile or an ATV road by the governmental agency having jurisdiction.~~

~~(b) Emergency and bridge crossings. A snowmobile or an ATV may be operated on highways and streets:~~

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

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

~~(c) Crossing street or highway. A snowmobile or an ATV may make a direct crossing of a street or highway upon compliance with the following requirements:~~

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

~~(2) The snowmobile or ATV is brought to a complete stop before crossing the shoulder or main traveled way of the highway.~~

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

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

~~§ 7722. Designation of snowmobile and ATV roads.~~

~~(a) General rule. The Department of Transportation on State designated highways and local authorities on any highway, road or street within its jurisdiction may designate any highway, road or street within its jurisdiction as a snowmobile~~

~~road or an ATV road, or both, and may, in its discretion,
determine whether such road shall be closed to vehicular traffic
or whether snowmobiles and ATVs may share this designated road
with vehicular traffic.~~

~~(b) Posting notices. Adequate notices of such designation
and determination shall be sufficiently and prominently
displayed.~~

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

~~§ 7723. Special snowmobile and ATV events.~~

~~(a) General rule. Snowmobiles and ATVs may be operated on
highways and streets for special snowmobile and ATV events of
limited duration which are conducted according to a prearranged
schedule under permit from the governmental agency having
jurisdiction.~~

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

~~(c) Notification and duty of police. A local authority
shall notify the local police department and the county
sheriff's office at least one week in advance of the time and
place of any snowmobile or ATV race, rally or derby which may
result in any highway or street, or part thereof, being blocked
off. Upon such notice, the local police department shall take~~

~~such measures as it deems appropriate to protect persons and property and to regulate traffic in the designated area and its vicinity on the day of such race, rally or derby.~~

~~§ 7724. Operation on private or State property.~~

~~(a) Private real property.~~

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

~~(2) When a person operates a snowmobile or an ATV in a manner as to violate 75 Pa.C.S. § 3717 (relating to trespass by motor vehicle), the applicable fines, penalties and suspensions provided in Title 75 (relating to vehicles) for violation of 75 Pa.C.S. § 3717 shall apply to this subsection.~~

~~(b) State property.~~

~~(1) No person shall operate a snowmobile or an ATV on State owned property except on clearly marked and previously designated snowmobile or ATV routes or as expressly permitted by the Commonwealth.~~

~~(2) (i) The department may designate any road within a State Park or State Forest over which the department has jurisdiction as a snowmobile road or an ATV road, or both, and may, in its discretion, determine whether the road shall be closed to vehicular traffic or whether snowmobiles and ATVs may share the designated road with~~

~~vehicular traffic. Adequate notices of such designation and determination shall be sufficiently and prominently displayed.~~

~~(ii) No person shall operate a snowmobile or ATV on State park or State forest land except as follows:~~

~~(A) A person may operate a snowmobile on a road, trail or area that is designated and marked by the department as open for snowmobile use or on which the person has been given specific written permission to operate the snowmobile.~~

~~(B) A person may operate a Class I ATV on a road, trail or area that is designated and marked by the department as open for ATV use or on which the person has been given specific written permission to operate the ATV.~~

~~(C) A person may operate a Class II ATV on a road, trail or area if the person has been given specific written permission by the department to operate a Class II ATV on the road, trail or area.~~

~~§ 7725. Operation by persons under age sixteen.~~

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

~~(b) Operation of an ATV by persons under eight years of age. No person under eight years of age shall operate an ATV~~

1 ~~upon State owned land.~~

2 ~~(b.1) ATV size restrictions. An ATV operated in this~~
3 ~~Commonwealth by a person eight or nine years of age shall have~~
4 ~~an engine size of 70cc or less.~~

5 ~~(b.2) Operation of a snowmobile by persons under ten years~~
6 ~~of age. No person under ten years of age shall operate a~~
7 ~~snowmobile upon State owned land.~~

8 ~~(c) Snowmobile and ATV safety certification. No person 8 to~~
9 ~~15 years of age shall operate an ATV and no person between 10~~
10 ~~and 15 years of age shall operate a snowmobile in this~~
11 ~~Commonwealth unless the person satisfies one of the following~~
12 ~~conditions:~~

13 ~~(1) Is under the direct supervision of a certified~~
14 ~~snowmobile or ATV safety instructor during a safety training~~
15 ~~course.~~

16 ~~(2) Is on land owned or leased by a parent or legal~~
17 ~~guardian.~~

18 ~~(3) Has received safety training as prescribed by the~~
19 ~~department and has received the appropriate safety~~
20 ~~certificate issued by the department.~~

21 ~~(4) Holds an appropriate safety certificate issued under~~
22 ~~the authority of another state or Province of Canada and~~
23 ~~recognized by the department.~~

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

29 ~~(e) Permitting unauthorized operation. No owner of a~~
30 ~~snowmobile or an ATV 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), (b.2) and (c).~~

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

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

~~(h) Snowmobile and ATV safety program. The department shall implement a comprehensive snowmobile and ATV information, safety education and training program which shall include the preparation and dissemination of information and safety advice to the public and training of operators. The program shall provide for the training of youthful operators and for the issuance of snowmobile or ATV safety certificates to those who successfully complete the training provided under the program.~~

~~(i) Cooperation with other organizations. In implementing a program which is established under this section, the department shall cooperate with private organizations and associations, private and public corporations, the Department of Education and~~

~~local governmental units. The department shall consult with snowmobile, ATV and environmental organizations and associations in regard to subject matter of a training program that leads to certification of snowmobile and ATV operators.~~

~~§ 7726. Operation in safe manner.~~

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

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

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

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

~~(b) Permitting unsafe operation. No owner or other person having charge or control of a snowmobile or an ATV shall knowingly authorize or permit the operation of the snowmobile or ATV by any person who is incapable to do so by reason of age, physical or mental disability, or who is under the influence of alcohol or any controlled substance.~~

~~(c) Operation on highways and streets open to snowmobiles or ATVs and vehicular traffic. No person shall operate a snowmobile or ATV in any of the following ways on highways and streets open to snowmobiles or ATVs and vehicular traffic:~~

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

~~(2) Ride two snowmobiles or ATVs abreast. Snowmobiles and ATVs shall be operated in single file except when overtaking another vehicle. The driver of any vehicle overtaking another vehicle proceeding in the same direction~~

~~shall pass at a safe distance to the left thereof until
safely clear of such overtaken vehicle. Nothing in this
section shall be construed to prohibit a driver overtaking
the passing upon the right of another vehicle which is making
or about to make a left turn. The driver of a vehicle shall
not drive to the left side of the center of a highway in
overtaking or passing another vehicle proceeding in the same
direction, unless the left side is clearly visible and is
free of oncoming traffic for a sufficient distance ahead to
permit the overtaking or passing to be made in safety.~~

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

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

~~(ii) Right turn or other vehicle movement toward
right, left hand and arm extended outward and pointed
upward from the elbow.~~

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

~~(4) Disobey any traffic signal or signs placed in
accordance with Title 75 (relating to vehicles) unless
otherwise directed by a peace officer.~~

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

~~§ 7727. Additional limitations on operation.~~

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

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

~~(2) Drive or pursue any game or wildlife with a snowmobile or an ATV.~~

~~§ 7728. Accidents and accident reports.~~

~~(a) Duty to stop and provide information. Whenever any snowmobile or ATV is involved in an accident resulting in loss of life, personal injury or damage to property and the operator thereof has knowledge of such accident, he shall stop and give his name and address, the name and address of the owner thereof and the registration number of the snowmobile or ATV to the injured person or the person sustaining the damage or to a police officer. In case no police officer nor the person sustaining the damage is present at the place where the damage occurred, then the operator shall immediately report, as soon as he is physically able, the accident to the nearest law enforcement agency.~~

~~(b) Report of accident to department. The operator of any snowmobile or ATV involved in any accident resulting in injuries to or death of any person or resulting in property damage to the estimated amount of \$100 or more shall, within seven days after such accident, report the matter in writing to the department. If the operator is physically incapable of making the report and there is another participant in the accident not so incapacitated, the participant shall make the report within the prescribed period of time after the accident. In the event that~~

~~there is no other participant and the operator is other than the owner, then the owner shall within the prescribed period of time, after learning of the facts of such accident, report the matter to the department, together with such information as may have come to his knowledge relating to such accident. Every operator or owner of a snowmobile or an ATV in an accident, or surviving participant of any such accident, shall make such other and additional reports as the department shall require.~~

~~(c) Report by law enforcement officer. A law enforcement officer who investigates or receives information of an accident involving a snowmobile or an ATV shall make a written report of the investigation or information received, and such additional facts relating to the accident as may come to his knowledge, and mail the same within 48 hours to the department and keep a record thereof in his office.~~

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

~~§ 7729. Liability of owner for negligence.~~

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

~~(b) Exception. The negligence of the operator shall not be attributed to the owner as to any claim or cause of action accruing to the operator or his legal representative for such~~

1 ~~injuries or death.~~

2 ~~§ 7730. Liability insurance.~~

3 ~~(a) Requirement. A snowmobile or ATV for which registration~~
4 ~~is required under this chapter shall have liability insurance~~
5 ~~coverage for the snowmobile or ATV issued by an insurance~~
6 ~~carrier authorized to do business in this Commonwealth. This~~
7 ~~subsection does not apply to limited registrations.~~

8 ~~(b) Proof of insurance. Proof of insurance as required by~~
9 ~~this section shall be produced and displayed by the owner or~~
10 ~~operator of such snowmobile or ATV upon the request of any~~
11 ~~magistrate or any person having authority to enforce the~~
12 ~~provisions of this chapter or to any person who has suffered or~~
13 ~~claims to have suffered either personal injury or property~~
14 ~~damage as a result of the operation of such snowmobile or ATV.~~
15 ~~It shall be an affirmative defense to any prosecution for a~~
16 ~~violation of this section that such proof was so produced within~~
17 ~~72 hours of receiving notice of such violation, injury or damage~~
18 ~~or the claim of such injury or damage.~~

19 ~~(c) Owner's responsibility. No owner of a snowmobile or ATV~~
20 ~~shall operate or permit the same to be operated without having~~
21 ~~in full force and effect liability insurance coverage required~~
22 ~~by this section. The operator of a snowmobile or ATV shall carry~~
23 ~~proof of insurance on his person or on the snowmobile or ATV~~
24 ~~when it is in operation.~~

25 ~~(d) Penalty. A person who violates subsection (a) or (c)~~
26 ~~commits a summary offense and shall, upon conviction, be~~
27 ~~sentenced to pay a fine of \$300 and costs of prosecution and, in~~
28 ~~default of payment of the fine or costs, shall be imprisoned for~~
29 ~~not more than ten days.~~

30 SUBCHAPTER D

EQUIPMENT

Sec.

7741. Head lamps and tail lamps.

7742. Brakes.

7743. Mufflers and noise control.

§ 7741. Head lamps and tail lamps.

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

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

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

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

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

1 ~~feet.~~

2 ~~§ 7742. Brakes.~~

3 ~~(a) Snowmobiles. It is unlawful to operate a snowmobile~~
4 ~~which is not equipped with at least one brake of a design~~
5 ~~approved by the department operated either by hand or by foot,~~
6 ~~capable of bringing the snowmobile to a stop, under normal~~
7 ~~conditions, within 40 feet when traveling at a speed of 20 miles~~
8 ~~per hour with a 150 pound driver and on hard packed snow, or~~
9 ~~locking its traction belt or belts. The design shall permit~~
10 ~~simple and easy adjustment to compensate for wear.~~

11 ~~(b) ATVs. It is unlawful to operate an ATV which is not~~
12 ~~equipped with a braking system which may be operated by hand or~~
13 ~~foot, capable of producing deceleration of 14 feet per second on~~
14 ~~level ground at a speed of 20 miles per hour, and the design~~
15 ~~must permit simple and easy adjustment to compensate for wear.~~

16 ~~§ 7743. Mufflers and noise control.~~

17 ~~(a) General rule. It is unlawful to operate a snowmobile or~~
18 ~~an ATV which is not equipped at all times with a muffler in good~~
19 ~~working order which blends the exhaust noise into the overall~~
20 ~~snowmobile or ATV noise and is in constant operation to prevent~~
21 ~~excessive or unusual noise. The exhaust system shall not emit or~~
22 ~~produce a sharp popping or crackling sound. The sound intensity~~
23 ~~produced by a snowmobile shall not exceed 82dba when measured in~~
24 ~~accordance with SAE Recommended Practice J 192 Exterior Sound~~
25 ~~Level for Snowmobiles, as amended. The department may by~~
26 ~~regulation adopt more stringent noise requirements for~~
27 ~~snowmobiles. The department shall by regulation adopt noise~~
28 ~~requirements for in use operation of ATVs using measurement~~
29 ~~procedures in accordance with ANSI/SAE Recommended Practice J~~
30 ~~1287 March 1982, Measurement of Exhaust Level of Stationary~~

~~Motorcycles. The sound level intensity produced by an ATV shall not exceed 99dba, or decibels, when measured at 20 inches.~~

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

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

SUBCHAPTER E

MISCELLANEOUS PROVISIONS

Sec.

~~7751. Enforcement personnel and procedures.~~

~~7752. Penalties for violation of chapter.~~

~~7753. Actions for collection of penalties.~~

~~§ 7751. Enforcement personnel and procedures.~~

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

~~(b) Forms and procedures. The department may prescribe the form of summons or complaint, or both, in all cases involving a violation of any provision of this chapter or of any ordinance, rule or regulation relating to snowmobiles or ATVs, or of any class or category of such cases, and may establish procedures for proper administrative controls over the disposition thereof.~~

~~(c) Records and reports. The chief executive officer of each local police force, sheriffs and the Commissioner of the Pennsylvania State Police shall prepare or cause to be prepared such records and reports as may be prescribed under this section.~~

~~(d) Rules and regulations. The department may promulgate~~

~~such rules and regulations as may be deemed necessary to accomplish the purposes and enforce the provisions of this section, including requirements for reporting by trial courts having jurisdiction over snowmobile and ATV violations.~~

~~§ 7752. Penalties for violation of chapter.~~

~~(a) General rule. Except as provided in subsections (c) and (d) and unless otherwise provided in this chapter, a person who violates this chapter commits a summary offense and shall, upon conviction:~~

~~(1) For a first offense, be sentenced to pay a fine of not less than \$50 nor more than \$200 and costs of prosecution and, in default of the payment of the fine or costs, shall be imprisoned for not more than ten days.~~

~~(2) For a subsequent offense, be sentenced to pay a fine of not less than \$100 nor more than \$300 and costs of prosecution and, in default of the payment of the fine or costs, shall be imprisoned for not more than 30 days.~~

~~(c) Unauthorized disposition of forms. A person who disposes of a summons or complaint issued pursuant to this chapter in a manner other than that prescribed by law, rule or regulation commits a misdemeanor of the third degree.~~

~~(d) Registration.~~

~~(1) A person who violates section 7711.1 (relating to registration of snowmobile or ATV) or 7711.2 (relating to limited registration of snowmobile or ATV) by failing to obtain the required registration certificate or limited registration certificate commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300 or to be imprisoned for 90 days, or both, and costs of prosecution. Proceedings for a summary offense under this paragraph must~~

~~be commenced within 60 days after commission of the alleged offense or within 60 days after discovery of the commission of the offense or the identity of the offender, whichever is later.~~

~~(2) A person who violates section 7711.1 or 7711.2 by failing to properly display the required registration decal or plate commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50 and costs of prosecution.~~

~~(3) A person who violates section 7711.1 by failing to properly display the required expiration sticker or by failing to carry the required registration certificate commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50 and costs of prosecution.~~

~~§ 7753. Actions for collection of penalties.~~

~~(a) General rule. An action to recover any penalty imposed under the provisions of this chapter may be brought in any court of competent jurisdiction in this Commonwealth on order of the department and in the name of the Commonwealth. In any such action all penalties incurred up to the time of commencing the action may be sued for and recovered in such action, and the commencement of an action to recover any such penalty shall not be or be held to be a waiver of the right to recover any other penalty. In case of recovery of any amount in an action brought to recover any such penalty, the Commonwealth shall be entitled to recover full costs and at the rates provided for civil actions.~~

~~(b) Duty and liability of witnesses. No person shall be excused from testifying or producing any books, papers or other documents in any civil action to recover any such penalty, upon~~

1 ~~the ground that his testimony might tend to convict him of an~~
2 ~~offense or subject him to a penalty or forfeiture. No person~~
3 ~~shall be prosecuted, punished or subjected to any penalty of~~
4 ~~forfeiture for or on account of any such act, transaction,~~
5 ~~matter or thing concerning which he shall, under oath, have~~
6 ~~testified or produced documentary evidence, and no testimony so~~
7 ~~given or produced shall be received against him upon any~~
8 ~~criminal investigation or proceeding. No person so testifying~~
9 ~~shall be exempt from prosecution or punishment for any perjury~~
10 ~~committed by him in his testimony. This subsection is not~~
11 ~~intended to give, and shall not be construed as in any manner~~
12 ~~giving, unto any corporation immunity of any kind.~~

13 ~~(c) Plea of guilty. A defendant charged with a violation of~~
14 ~~any provision of this chapter may himself plead guilty to the~~
15 ~~charge in open court. He may also submit to the judge having~~
16 ~~jurisdiction, in person, by duly authorized agent, or by~~
17 ~~registered mail, a statement setting forth the following:~~

18 ~~(1) That he waives arraignment in open court and the aid~~
19 ~~of counsel.~~

20 ~~(2) That he pleads guilty to the offense as charged.~~

21 ~~(3) That he elects and requests that the charge be~~
22 ~~disposed of and the fine or penalty fixed by the court.~~

23 ~~(4) Any explanation that he desires to make concerning~~
24 ~~the offense charged.~~

25 ~~(5) That he makes all statements under penalty of~~
26 ~~perjury.~~

27 ~~Thereupon the judge may proceed as though the defendant had been~~
28 ~~convicted upon a plea of guilty in open court. Any imposition of~~
29 ~~fine or penalty under this section shall be deemed tentative~~
30 ~~until the fine or penalty has been paid and discharged in full.~~

~~If, upon receipt of the statement, the judge shall deny the same, he shall thereupon notify the defendant of this fact and that he is required to appear before the judge at a stated time and place to answer the charge which shall thereafter be disposed of pursuant to the applicable provisions of law.~~

~~(d) Statement of disposition of case. Subject to any inconsistent procedures and standards relating to reports and transmission of funds prescribed pursuant to Title 42 (relating to judiciary and judicial procedure), the court before whom any person shall be tried shall, at the termination of the trial or proceeding, forthwith mail or deliver to the department at Harrisburg a certified statement of the disposition of the case or proceeding giving the date thereof, the name of the defendant, the date and place of the violation, the name of each witness sworn in support of the charges and the amount of the fine or penalty paid.~~

~~(e) Section not exclusive. This section:~~

~~(1) Does not prohibit the prosecution of violations of this chapter in any court of competent jurisdiction in the same manner as other offenses.~~

~~(2) Is subject to any inconsistent general rules relating to actions for the collection of fines and penalties.~~

~~Section 2. Sections 3571(b)(1) and 3573(b)(2) of Title 42 are amended to read:~~

~~§ 3571. Commonwealth portion of fines, etc.~~

~~* * *~~

~~(b) Vehicle offenses.—~~

~~(1) All fines, forfeited recognizances and other forfeitures imposed, lost or forfeited in connection with~~

~~matters arising under Chapter 77 of Title [75] 32 (relating to snowmobiles and all terrain vehicles) shall unless otherwise provided in Chapter 77 of Title [75] 32 be payable to the Commonwealth.~~

~~* * *~~

~~§ 3573. Municipal corporation portion of fines, etc.~~

~~* * *~~

~~(b) Vehicle offenses.—~~

~~* * *~~

~~(2) Except as provided in paragraph (3), when prosecution under any other provision of Title 75 [(except Chapter 77 (relating to snowmobiles))] is the result of local police action, one half of all fines, forfeited recognizances and other forfeitures imposed, lost or forfeited shall be payable to the municipal corporation under which the local police are organized.~~

~~* * *~~

~~Section 3. Chapter 77 of Title 75 is repealed:~~

~~{§ 7701. Short title of chapter.~~

~~This chapter shall be known and may be cited as the Snowmobile and All Terrain Vehicle Law.~~

~~§ 7702. Definitions.~~

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

~~"All terrain vehicle" or "ATV." A motorized off highway vehicle which travels on three or more inflatable tires and which has:~~

~~(1) a maximum width of 50 inches and a maximum dry weight of 800 pounds; or~~

~~(2) a width which exceeds 50 inches or a dry weight which exceeds 800 pounds.~~

~~ATV's described in paragraph (1) may be referred to as Class I ATV's, and ATV's described in paragraph (2) may be referred to as Class II ATV's. This term does not include snowmobiles, trail bikes, motorboats, golf carts, aircraft, dune buggies, automobiles, construction machines, trucks or home utility machines; military, fire, emergency and law enforcement vehicles; implements of husbandry; multipurpose agricultural vehicles; vehicles used by the department; or any vehicle that is or is required to be registered under Chapter 13 (relating to registration of vehicles). In addition, this term does not include off road motor vehicles used exclusively as utility vehicles for agricultural or business operations and incidentally operated or moved upon the highway.~~

~~"Dealer." A person engaged in the business of selling snowmobiles or all terrain vehicles at wholesale or retail who is registered or required to be registered under section 7711 (relating to registration of dealers).~~

~~"Department." The Department of Conservation and Natural Resources of the Commonwealth.~~

~~"Head lamp." A major lighting device used to provide general illumination ahead of a vehicle.~~

~~"Highway." The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.~~

~~"Snowmobile." An engine driven vehicle which is all of the following:~~

~~(1) Is designed to travel over snow or ice.~~

~~(2) Has an endless belt track or tracks.~~

~~(3) Is steered by a ski or skis.~~

~~(4) Has an overall width of 48 inches or less.~~

~~The term does not include a farm tractor, construction equipment, military vehicle, vehicle with inflatable tires or machinery used strictly for the grooming of snowmobile trails.~~

~~"Street." A highway, other than an alley, within the corporate limits of a political subdivision.~~

~~"Tail lamp." A device to designate the rear of a vehicle by a warning light.~~

~~§ 7703. Applicability of chapter.~~

~~This chapter does not apply to law enforcement officers while engaged in the performance of their official duties.~~

~~§ 7704. Rules and regulations.~~

~~The department may promulgate such rules and regulations as may be necessary to carry out the provisions of this chapter.~~

~~§ 7705. Records and reports.~~

~~The provisions of Subchapter B of Chapter 63 (relating to records of traffic cases) relating to records and reports shall be applicable to proceedings under this chapter.~~

~~§ 7706. Restricted account.~~

~~(a) Deposit and use of moneys.—~~

~~(1) The department shall deposit the following into a restricted account, which is hereby established:~~

~~(i) all moneys received from the registration of and issuance of certificates of title for snowmobiles and ATV's;~~

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

~~(iii) all fines, penalties, fees and costs assessed and collected as a result of enforcement activities~~

1 ~~conducted by the department's law enforcement personnel~~
2 ~~under this chapter.~~

3 ~~(2) The department shall draw moneys from the restricted~~
4 ~~account for use in performing any activities necessary to~~
5 ~~carry out the purposes of this chapter, including~~
6 ~~registration and certificate of title activities, training,~~
7 ~~education, enforcement activities, construction and~~
8 ~~maintenance of snowmobile and ATV trails and acquisition of~~
9 ~~equipment, supplies and interests in land. All moneys~~
10 ~~deposited in this account shall remain in it to be used as~~
11 ~~specified in this section.~~

12 ~~(3) The provisions of 42 Pa.C.S. § 3573(b)(2) (relating~~
13 ~~to municipal corporation portion of fines, etc.)~~
14 ~~notwithstanding, when prosecution under this chapter is the~~
15 ~~result of local police action, all fines, penalties, fees and~~
16 ~~costs assessed as a result of such prosecution shall be~~
17 ~~payable to the municipal corporation under which the local~~
18 ~~police are organized.~~

19 ~~(b) Grant in aid. The department shall, upon written~~
20 ~~application and subsequent approval, grant money from the~~
21 ~~restricted account:~~

22 ~~(1) To municipalities and profit and nonprofit~~
23 ~~organizations in connection with snowmobile and ATV use on~~
24 ~~lands not owned by the Commonwealth for the following:~~

25 ~~(i) Plans, specifications and engineering surveys.~~

26 ~~(ii) Fees and costs related to the preparation or~~
27 ~~performance of right of way lease agreements.~~

28 ~~(iii) Land acquisition.~~

29 ~~(iv) Construction, maintenance and rehabilitation of~~
30 ~~trails and other facilities for snowmobiles and ATV's.~~

~~(2) To municipalities and profit and nonprofit organizations for equipment, training and education activities relating to snowmobile and ATV use.~~

~~(3) To profit and nonprofit organizations for the maintenance and rehabilitation, but not the construction, of snowmobile and ATV trails on land owned by the Commonwealth.~~

~~(c) Audit of moneys. The restricted account shall be audited every two years. Copies of the audit shall be provided to the Snowmobile and ATV Advisory Committee.~~

~~§ 7711. Registration of dealers.~~

~~(a) General rule. A person who is in the business of selling snowmobiles or ATV's in this Commonwealth shall register with the department as a dealer. A person who is in the business of selling snowmobiles or ATV's outside this Commonwealth may register with the department as a dealer.~~

~~(b) Issuance. Upon receipt of an application upon a form prescribed and furnished by the department which shall contain information reasonably required by the department and which shall be accompanied by the required fee, the department shall issue to a dealer:~~

~~(1) An annual dealer registration certificate containing a dealer registration number and expiration date.~~

~~(2) Three annual dealer registration plates displaying the expiration date of the dealer registration.~~

~~(3) Three annual dealer plate registration cards displaying the expiration date of the dealer registration.~~

~~(c) Registration not transferable. A dealer registration certificate, dealer registration plate and dealer plate registration card are not transferable.~~

~~(d) Expiration of registration. A dealer registration~~

~~certificate, dealer registration plate and dealer plate
registration card expire effective the day after the expiration
date displayed on them. A dealer registration certificate,
dealer registration plate or dealer plate registration card that
has expired is not valid.~~

~~(c) Use of dealer registration plates. A dealer may operate
or permit to be operated within this Commonwealth a snowmobile
or ATV owned by or in the possession of the dealer if:~~

~~(1) A valid dealer registration certificate issued to
the dealer under this section is displayed conspicuously in
the dealer's place of business.~~

~~(2) The operator carries a valid dealer registration
card issued to the dealer under this section.~~

~~(3) There is displayed on the snowmobile or ATV in a
manner prescribed by the department a valid dealer
registration plate issued to the dealer under this section.~~

~~(4) The snowmobile or ATV is operated only for the
purpose of demonstration or testing in connection with the
dealer's business.~~

~~§ 7711.1. Registration of snowmobile or ATV.~~

~~(a) General rule. Except as otherwise provided in
subsection (f), it is unlawful for a person to operate or for an
owner to permit another person to operate a snowmobile or an ATV
unless:~~

~~(1) There is carried on the snowmobile or ATV a valid
registration certificate issued therefor pursuant to
subsection (b).~~

~~(2) There is displayed on the snowmobile a registration
decal, or on the ATV a registration plate, issued therefor
pursuant to subsection (b).~~

~~(3) The display of the registration decal or plate is in the manner prescribed by the department.~~

~~(4) There is displayed on the snowmobile or ATV a valid expiration sticker issued therefor pursuant to subsection (b).~~

~~(5) The display of the expiration sticker is in the manner prescribed by the department.~~

~~(b) Issuance. Upon receipt of an application therefor upon a form prescribed and furnished by the department which shall contain information reasonably required by the department and which shall be accompanied by the required fee, the department shall issue to the owner of a snowmobile or ATV:~~

~~(1) A biennial registration certificate containing the registration number for the snowmobile or ATV and the expiration date of the registration.~~

~~(2) A registration decal displaying the registration number for a snowmobile or a registration plate displaying the registration number for an ATV.~~

~~(3) A biennial expiration sticker displaying the expiration date of the registration.~~

~~(c) Temporary registration. Temporary registration for a period not to exceed 45 days may be issued by a dealer as prescribed by the department. Proof of temporary registration shall be carried and displayed as prescribed by the department.~~

~~(d) Expiration of registration.~~

~~(1) Except as provided in paragraph (2), a registration certificate and an expiration sticker shall expire effective the day after the expiration date appearing on the registration certificate and expiration sticker.~~

~~(2) Upon transfer of ownership of a snowmobile or ATV~~

1 during a registration period, the registration certificate
2 and expiration sticker shall expire. The transferor shall,
3 within 15 days from the date of transfer, return to the
4 department the registration certificate with the date of
5 transfer and the name and address of the new owner endorsed
6 on the back. If the transferor applies for registration of a
7 different snowmobile or ATV and pays the required transfer
8 fee, the transferor may be issued in the name of the
9 transferor a registration certificate and expiration sticker
10 for that snowmobile or ATV for the remainder of the
11 registration period without payment of a registration fee.
12 The registration decal or plate shall not be removed from a
13 snowmobile or ATV upon transfer to the new owner and is
14 invalid until the new owner is issued a registration
15 certificate or limited registration certificate for the
16 snowmobile or ATV.

17 (3) ~~An expired general registration certificate and an~~
18 ~~expired expiration sticker are invalid.~~

19 (c) ~~Suspension or revocation.~~ If a person violates this
20 chapter or is convicted of any offense under this chapter, the
21 department may suspend or revoke a registration certificate and
22 an expiration sticker. A suspended or revoked registration
23 certificate or expiration sticker is invalid.

24 (f) ~~Exemptions from registration.~~ Subsection (a) does not
25 apply if:

26 (1) ~~The snowmobile or ATV is owned by or in the~~
27 ~~possession of a dealer who has been issued a dealer~~
28 ~~registration certificate, dealer registration plates and~~
29 ~~dealer plate registration cards under section 7711 (relating~~
30 ~~to registration of dealers), the dealer is in compliance with~~

~~section 7711 and the snowmobile or ATV is used in accordance with section 7711.~~

~~(2) The snowmobile or ATV is owned and used by the United States or another state or a political subdivision thereof, in which case the snowmobile or ATV shall display the name of the owner in a manner prescribed by the department.~~

~~(3) The snowmobile or ATV is operated on land owned or leased by the owner or operator of the snowmobile or ATV and it is not operated elsewhere within this Commonwealth.~~

~~(4) The owner of the snowmobile or ATV is not a resident of this Commonwealth and the operator presents proof that the snowmobile or ATV has been properly registered in another jurisdiction that exempts from its registration requirements persons who have obtained proper registration under this chapter.~~

~~§ 7711.2. Limited registration of snowmobile or ATV.~~

~~(a) General rule. It is unlawful for a person to operate or for an owner to permit another person to operate a snowmobile or ATV identified in section 7711.1(f)(3) (relating to registration of snowmobile or ATV) unless:~~

~~(1) A limited registration certificate has been issued therefor pursuant to subsection (b).~~

~~(2) There is displayed on the snowmobile a valid registration decal or on the ATV a valid registration plate issued pursuant to subsection (b).~~

~~(3) The display of the registration decal or plate is in the manner prescribed by the department.~~

~~(b) Issuance. Upon receipt of an application therefor upon a form prescribed and furnished by the department which shall~~

~~contain information reasonably required by the department, the department shall issue to the owner of a snowmobile or ATV for which limited registration is required under subsection (a):~~

~~(1) A limited registration certificate containing the registration number for the snowmobile or ATV.~~

~~(2) A registration decal displaying the registration number for a snowmobile or a registration plate displaying the registration number for an ATV.~~

~~(c) Temporary limited registration. Temporary limited registration for a period not to exceed 45 days may be issued by a dealer as prescribed by the department. Proof of temporary limited registration shall be displayed as prescribed by the department.~~

~~(d) Transfer of ownership. Upon transfer of ownership of a snowmobile or ATV for which a limited registration certificate has been issued, the limited registration certificate shall become invalid. The transferor shall, within 15 days from the date of transfer, return to the department the limited registration certificate with the date of transfer and the name and address of the new owner endorsed on the back. The registration decal or plate shall not be removed from the snowmobile or ATV upon transfer to the new owner and is invalid until the new owner obtains a registration certificate or limited registration certificate for the snowmobile or ATV.~~

~~(e) Suspension or revocation. If a person violates this chapter or is convicted of any offense under this chapter, the department may suspend or revoke a limited registration certificate. A suspended or revoked limited registration certificate is invalid.~~

~~§ 7712.1. Certificate of title for snowmobile or ATV.~~

~~(a) General rule. Except as otherwise provided in subsection (b), an owner of a snowmobile or ATV which is in this Commonwealth and for which no certificate of title has been issued shall apply to the department for a certificate of title.~~

~~(b) Exemptions from titling. No certificate of title is required for:~~

~~(1) A snowmobile or ATV that was registered prior to the effective date of this section.~~

~~(2) A snowmobile or ATV owned by the United States unless a general registration certificate has been issued therefor.~~

~~(3) A new snowmobile or ATV owned by a dealer before and until sale.~~

~~(4) A snowmobile or ATV owned by a nonresident of this Commonwealth and not required by law to be registered in this Commonwealth.~~

~~(5) A snowmobile or ATV owned by a resident of this Commonwealth and required by law to be registered in another state, based and used principally outside of this Commonwealth and not required by law to be registered in this Commonwealth.~~

~~(c) Contents of application. Application for a certificate of title shall be made upon a form prescribed and furnished by the department and shall contain a full description of the snowmobile or ATV, date of purchase, the name and address of the owner, a statement of the title of applicant, together with any other information or documents the department requires to identify the snowmobile or ATV and to enable the department to determine whether the owner is entitled to a certificate of title.~~

~~(d) Signing and filing of application. Application for a certificate of title shall be made within 15 days of the sale or transfer of a snowmobile or ATV or its entry into this Commonwealth from another jurisdiction, whichever is later. The application shall be accompanied by the required fee and any tax payable by the applicant under the laws of this Commonwealth in connection with the acquisition or use of a snowmobile or ATV or evidence to show that the tax has been paid or collected. The application shall be signed and verified by oath or affirmation by the applicant if a natural person; in the case of an association or partnership, by a member or a partner; and in the case of a corporation, by an executive officer or person specifically authorized by the corporation to sign the application.~~

~~(g) Registration without certificate of title prohibited. Except as provided in subsection (b), the department shall not issue a registration certificate or limited registration certificate for a snowmobile or ATV unless a certificate of title has been issued by the department to the owner or an application for a certificate of title has been delivered by the owner to the department.~~

~~(h) Refusing issuance of certificate of title. The department may refuse issuance of a certificate of title if it has reasonable grounds to believe any one of the following:~~

~~(1) A required fee has not been paid.~~

~~(2) Any taxes payable under the laws of this Commonwealth on or in connection with, or resulting from the acquisition or use of, the snowmobile or ATV have not been paid.~~

~~(3) The applicant is not the owner of the snowmobile or~~

1 ~~ATV.~~

2 ~~(4) The application contains a false or fraudulent~~
3 ~~statement.~~

4 ~~(5) The applicant has failed to furnish required~~
5 ~~information or documents or any additional information the~~
6 ~~department reasonably requires.~~

7 ~~(j) Transfer of ownership of snowmobile or ATV.~~

8 ~~(1) Upon the sale or transfer of ownership of a~~
9 ~~snowmobile or ATV within this Commonwealth, the owner shall~~
10 ~~execute an assignment and warranty of title to the transferee~~
11 ~~in the space provided on the certificate of title or as the~~
12 ~~department prescribes, sworn to before a notary public or~~
13 ~~other officer empowered to administer oaths, and deliver the~~
14 ~~certificate to the transferee at the time of the delivery of~~
15 ~~the snowmobile or ATV.~~

16 ~~(2) Except as otherwise provided in section 7715.1~~
17 ~~(relating to snowmobile or ATV purchased from dealer), the~~
18 ~~transferee shall, within 15 days of the assignment of the~~
19 ~~certificate of title, apply for a new title by forwarding to~~
20 ~~the department the certificate of title executed as required~~
21 ~~by paragraph (1), a properly completed application for~~
22 ~~certificate of title, sworn to before a notary public or~~
23 ~~other officer empowered to administer oaths, and such other~~
24 ~~forms as the department may require.~~

25 ~~(k) Penalty. A person who violates subsection (a) commits a~~
26 ~~summary offense and shall, upon conviction, be sentenced:~~

27 ~~(1) For a first offense, to pay a fine of \$100 and costs~~
28 ~~of prosecution.~~

29 ~~(2) For a subsequent offense, to pay a fine of not less~~
30 ~~than \$300 nor more than \$1,000 and costs of prosecution.~~

~~§ 7712.2. Transfer to or from dealer.~~

~~(a) Transfer to dealer. If a dealer acquires a snowmobile or ATV for the purpose of resale, a certificate of title need not be applied for as provided for in section 7712.1 (relating to certificate of title for snowmobile or ATV), but the dealer shall, within seven days from the date of acquisition, forward to the department, upon a form prescribed and furnished by the department, notification of the acquisition of the snowmobile or ATV.~~

~~(b) Execution and display of notice of transfer. A dealer making notification pursuant to subsection (a) shall execute at least three copies of the notification, the original of which shall be forwarded to the department, one copy to accompany the snowmobile or ATV in any subsequent transfer and one copy to be retained by the dealer for at least one year after a subsequent transfer, to be exhibited, with the assigned certificate of title, upon request of a police officer or authorized department employee.~~

~~(c) Transfer from dealer. Except as otherwise provided in subsection (a), if a dealer transfers the dealer's interest in a snowmobile or ATV:~~

~~(1) The dealer shall execute an assignment and warranty of title to the transferee in the space provided on the certificate of title or as the department prescribes.~~

~~(2) The transferee shall complete the application for certificate of title in the name of the transferee, sworn to before a notary public or other officer empowered to administer oaths.~~

~~(3) The dealer shall forward to the department the certificate of title executed as required by paragraph (1), a~~

~~properly completed application for certificate of title and such other forms as the department may require within 15 days of the transfer.~~

~~(d) Exception for repossessed snowmobiles or ATV's. This section does not apply to a snowmobile or ATV repossessed upon default of performance of a lease, contract of conditional sale or similar agreement.~~

~~(e) Penalty and suspension or revocation of dealer registration. A dealer who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50. If a dealer violates this section, the department may suspend or revoke the registration issued under section 7711 (relating to registration of dealers).~~

~~§ 7712.3. Transfer of snowmobile or ATV by operation of law.~~

~~(a) General rule. If the interest of an owner in a snowmobile or ATV 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 sufficient or required by law to evidence or effect a transfer of title or interest in or to chattels in such case.~~

~~(b) Transfer to surviving spouse. Transfer of a certificate of title to a surviving spouse, or a person designated by the spouse, may be made without the necessity of filing for letters of administration, notwithstanding the fact that there are minor children surviving the decedent, if the surviving spouse files an affidavit that all debts of the decedent have been paid.~~

~~(c) Surrender of certificate. A person holding a certificate of title, whose interest in a snowmobile or ATV has been extinguished or transferred other than by voluntary transfer, shall immediately surrender the certificate of title to the person to whom the right to possession of the snowmobile or ATV has passed. Upon request of the department, such person shall mail or deliver the certificate to the department. Delivery of the certificate pursuant to the request of the department does not affect the rights of the person surrendering the certificate.~~

~~§ 7712.4. Correction of certificate of title.~~

~~(a) General rule. When a certificate of title has been issued in error to a person not entitled to it or contains incorrect information, or information has been omitted from the certificate, the department shall notify in writing the person to whom the certificate has been issued or delivered, and such person shall return the certificate within 48 hours, together with any other information necessary for the adjustment of the department records, and upon receipt of the certificate, the department shall cancel the certificate and issue a corrected certificate.~~

~~(b) Change in material information on certificate. If any material information on the certificate of title is changed or different from the information originally set forth, the owner shall immediately inform the department and apply for a corrected certificate. For the purposes of this subsection, a change of address is not deemed material.~~

~~(c) Seizure of certificate on conviction. Upon summary conviction for violation of this section, the department may delegate authority to a department employee or police officer to~~

1 ~~seize the certificate of title.~~

2 ~~§ 7712.5. Issuance of new certificate following transfer.~~

3 ~~(a) Voluntary transfer. The department, upon receipt of a~~
4 ~~properly assigned certificate of title with an application for a~~
5 ~~new certificate of title, the required fee and any other~~
6 ~~required documents and articles, shall issue a new certificate~~
7 ~~of title in the name of the transferee as owner and mail it to~~
8 ~~the first secured party named in the certificate or, if none, to~~
9 ~~the owner.~~

10 ~~(b) Involuntary transfer. The department, upon receipt of~~
11 ~~an application for a new certificate of title by a transferee~~
12 ~~other than by voluntary transfer, on a form prescribed and~~
13 ~~furnished by the department together with proof satisfactory to~~
14 ~~the department of the transfer, the required fee and any other~~
15 ~~required documents and articles, shall issue a new certificate~~
16 ~~of title in the name of the transferee as owner.~~

17 ~~(c) Filing and retention of surrendered certificate. The~~
18 ~~department shall file and retain for five years a surrendered~~
19 ~~certificate of title, or a copy, in such a manner as to permit~~
20 ~~the tracing of title of the snowmobile or ATV.~~

21 ~~§ 7712.6. Suspension and cancellation of certificate of title.~~

22 ~~(a) Return of new snowmobile or ATV. The department may~~
23 ~~cancel the certificate of title issued for a new snowmobile or~~
24 ~~ATV if it is shown by satisfactory evidence that the snowmobile~~
25 ~~or ATV has been returned to the dealer from whom obtained.~~

26 ~~(b) Snowmobile or ATV sold to nonresidents. The department~~
27 ~~may cancel a certificate of title for a snowmobile or ATV sold~~
28 ~~to a resident of another state or foreign country if the~~
29 ~~snowmobile or ATV is to be registered in the other jurisdiction.~~

30 ~~(c) Surrender of Pennsylvania certificate in other~~

~~jurisdiction. The department, upon receipt of notification from another state or foreign country that a certificate of title issued by the department has been surrendered by the owner in conformity with the laws of the other state or foreign country, may cancel the certificate of title.~~

~~(d) Surrender of foreign certificate to department. If an owner surrenders a certificate of title from another state or foreign country to the department, the department may notify the state or foreign country so that the certificate of title may be canceled or otherwise disposed of in accordance with the law of the other jurisdiction.~~

~~(e) Conviction for misstatement of facts. The department, upon receipt of certification from the clerk of a court showing conviction for a misstatement of facts on an application for an original or duplicate certificate of title or a transfer of a certificate of title, shall suspend the certificate of title and require that it be returned to the department within ten days of notice by the department, whereupon the department may cancel it.~~

~~(f) Nonpayment of fee. The department may suspend or cancel a certificate of title when a check received in payment of the fee is not paid on demand or when the fee for the certificate is unpaid and owing.~~

~~(g) Security interest unaffected by suspension or cancellation. Suspension or cancellation of a certificate of title does not, in itself, affect the validity of a security interest noted on the certificate.~~

~~(h) Surrender of certificate. The department may request the return of a certificate of title which has been suspended or canceled. The owner or person in possession of the certificate~~

~~of title shall, within ten days of the date of request by the department, mail or deliver the certificate to the department.~~

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

~~(a) Authorization to apply. No person may apply for a certificate of title on behalf of another person unless authorization to do so is in effect and is verified by oath or affirmation of the other person, made, except as between lessors and fleet owners as lessees, not more than 15 days before the application is received by the department. A lessor may authorize a fleet owner to apply for a certificate of title for a leased snowmobile or ATV for a period of up to one year.~~

~~(b) Certificate not to be assigned in blank. No person may apply for, or assign or physically possess, a certificate of title, or direct or allow another person in his employ or control to apply for, or assign or physically possess, a certificate of title, unless the name of the transferee is placed on the assignment of certificate of title simultaneously with the name of the transferor and duly notarized.~~

~~(c) Persons authorized to hold certificate. No person may receive, obtain or hold a certificate of title recorded in the name of another person for the other person who is not in the regular employ of, or not a member of the family of, the other person, unless the person receiving, obtaining or holding the certificate of title has a valid undischarged security interest recorded in the department against the snowmobile or ATV represented by the certificate of title.~~

~~(d) Penalty. A person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100 and costs of prosecution.~~

~~§ 7712.8. Perfection of security interest in a snowmobile or~~

1 ATV.

2 ~~(a) Applicability of section. Except as otherwise provided~~
3 ~~in 13 Pa.C.S. §§ 9311(d) (relating to perfection of security~~
4 ~~interests in property subject to certain statutes, regulations~~
5 ~~and treaties), 9315(c) and (d) (relating to secured party's~~
6 ~~rights on disposition of collateral and in proceeds) and 9316(d)~~
7 ~~and (e) (relating to continued perfection of security interest~~
8 ~~following change in governing law), this section provides the~~
9 ~~exclusive method of perfecting a security interest in a~~
10 ~~snowmobile or ATV for which a certificate of title is required~~
11 ~~under this subchapter.~~

12 ~~(b) Snowmobiles or ATV's without Pennsylvania certificate of~~
13 ~~title. If an owner creates a security interest in a snowmobile~~
14 ~~or ATV for which a certificate of title has not been issued by~~
15 ~~the department, the owner shall, at the request of the secured~~
16 ~~party, promptly execute an application for a certificate of~~
17 ~~title on a form prescribed by the department showing the name~~
18 ~~and address of the secured party. The owner shall tender the~~
19 ~~application, the existing certificate of title, if any, and the~~
20 ~~required fee to the department. A security interest in a~~
21 ~~snowmobile or ATV is perfected at the time that such~~
22 ~~application, existing certificate of title, if any, and required~~
23 ~~fee are received by the department.~~

24 ~~(c) Snowmobiles or ATV's with Pennsylvania certificate of~~
25 ~~title. If an owner creates a security interest in a snowmobile~~
26 ~~or ATV for which a certificate of title has been issued by the~~
27 ~~department, the owner shall, at the request of the secured~~
28 ~~party, promptly execute an application on a form prescribed by~~
29 ~~the department showing the name and address of the secured~~
30 ~~party. The owner shall tender the certificate of title, together~~

~~with the application and the required fee, to the department. A security interest in a snowmobile or ATV is perfected at the time such application, certificate of title and required fee are received by the department.~~

~~(d) Certificate of title in possession of secured party. Upon request of the owner or a subordinate secured party, a secured party in possession of the certificate of title shall mail or deliver the certificate to the department or, upon receipt from the subordinate secured party of the application of the owner and the required fee, shall mail or deliver them to the department with the certificate of title. The delivery of the certificate to the department does not affect the rights of the first secured party under his security agreement.~~

~~(e) Indorsement and delivery of certificate of title. Upon receipt of the application, existing certificate of title, if any, and required fee, the department shall indorse on the existing certificate of title or the new certificate that it issues the names and addresses of all secured parties and shall mail the certificate of title to the first secured party named in the certificate.~~

~~§ 7712.9. Satisfaction of security interest.~~

~~(a) Satisfaction of secured obligation. Unless otherwise agreed by the owner, within 15 days of the satisfaction of the obligation secured by a security interest in a snowmobile or ATV, the secured party shall mail or deliver the certificate of title to the owner or to the department with a statement of satisfaction signed by the secured party. Upon receipt of the certificate of title and statement of satisfaction, the department shall issue a corrected certificate of title without an indorsement of such secured party's security interest and~~

~~mail the same to the holder of the first remaining security interest or, if there is no remaining security interest, the owner.~~

~~(b) Satisfaction of subordinate secured obligation. If the certificate of title for a snowmobile or ATV is in the possession of a prior secured party, the subordinate secured party whose obligation is satisfied shall mail or deliver to the owner a signed statement of satisfaction in accordance with subsection (a). Upon request of the owner and receipt of the statement of satisfaction, the secured party in possession of the certificate of title shall mail or deliver the certificate of title, together with the statement of satisfaction, to the department. Upon receipt of the certificate of title and evidence of satisfaction, the department shall issue a corrected certificate of title without an indorsement of the satisfied security interest and mail the same to the prior secured party.~~

~~(c) Penalties. Any person violating the provisions of this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50.~~

~~§ 7712.10. Release of security interest.~~

~~A secured party that releases a security interest in a snowmobile or ATV shall mail or deliver the certificate of title to the owner with a statement of release signed by the secured party, or the secured party may apply to the department for a corrected certificate of title to be issued in the name of the owner. Upon receipt of the certificate of title and statement of release, the department shall issue a corrected certificate of title without an indorsement of such secured party and mail the same to the holder of the first remaining security interest or, if there is no remaining secured party, the owner.~~

~~§ 7712.11. Effectiveness of security interests.~~

~~A security interest perfected in accordance with this subchapter is perfected until the secured party provides written evidence of satisfaction in accordance with section 7712.9 (relating to satisfaction of security interest) or release in accordance with section 7712.10 (relating to release of security interest) and the indorsement of the security interest is removed by the department pursuant to section 7712.9 or 7712.10.~~

~~§ 7712.12. Assignment by secured party of security interest.~~

~~(a) General rule. A secured party may assign, absolutely or otherwise, his security interest in a snowmobile or ATV to a person other than the owner without affecting the interest of the owner or the validity or perfection of the security interest.~~

~~(b) Duty of assignee. An assignee who desires to become the secured party of record shall mail or deliver to the department the certificate of title and an assignment by the secured party named on the certificate of title on a form prescribed by the department accompanied by the required fee. Upon receipt of the certificate of title, assignment and fee, the department shall issue a corrected certificate of title naming the assignee as secured party.~~

~~(c) Division 9. The provisions of this section are subject to 13 Pa.C.S. § 9308(e) (relating to when security interest or agricultural lien is perfected; continuity of perfection).~~

~~§ 7712.13. Exemptions.~~

~~The provisions of this subchapter relating to procedures for perfecting, assigning and satisfying security interests do not apply to:~~

~~(1) a lien given by statute or rule of law to a supplier~~

~~of services or materials for the snowmobile or ATV;~~

~~(2) a lien given by statute to the United States, the Commonwealth or any political subdivision of the Commonwealth;~~

~~(3) a security interest in a snowmobile or ATV described in 13 Pa.C.S. § 9311(d) (relating to perfection of security interests in property subject to certain statutes, regulations and treaties); or~~

~~(4) a snowmobile or ATV for which a certificate of title is not required under this subchapter.~~

~~§ 7715.1. Snowmobile or ATV purchased from dealer.~~

~~(a) General rule. If a snowmobile or ATV is purchased from a dealer, the dealer shall mail or deliver to the department an application for a registration certificate or limited registration certificate, an application for certificate of title, any other required forms and the required fees within 15 days of the date of purchase.~~

~~(b) Penalty. A dealer who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300 and costs of prosecution or to be imprisoned for not more than 90 days, or both. In addition, if a dealer violates subsection (a), the department may suspend or revoke the registration issued under section 7711 (relating to registration of dealers).~~

~~§ 7715.2. Fees.~~

~~(a) Fees. Except as provided in subsection (b), the department shall collect the following fees:~~

~~(1) Certificate of title, \$22.50.~~

~~(2) Expiration sticker, \$20.~~

~~(3) Dealer registration, \$25.~~

~~(4) Replacement, due to loss or damage, of registration certificate, limited registration certificate, registration decal, registration plate or expiration sticker, \$5.~~

~~(5) Transfer of registration pursuant to section 7711.1 (relating to registration of snowmobile or ATV), \$5.~~

~~(6) Recording the name of a secured party on a certificate of title, \$5.~~

~~(b) Exemptions from fees. Subsection (a) does not apply to a snowmobile or ATV owned by:~~

~~(1) The Commonwealth.~~

~~(2) A political subdivision of this Commonwealth.~~

~~(3) A volunteer organization and used exclusively for emergency purposes.~~

~~§ 7716. Records.~~

~~The department shall maintain a record, which shall be made available to all enforcement agencies, of:~~

~~(1) The registration number for each snowmobile and ATV for which a registration certificate or limited registration certificate is issued.~~

~~(2) The name and address of the owner of each snowmobile and ATV for which a registration certificate or limited registration certificate is issued.~~

~~§ 7717. Snowmobile and ATV Advisory Committee.~~

~~(a) Establishment. There is hereby established under the jurisdiction of the department a board known as the Snowmobile and ATV Advisory Committee.~~

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

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

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

~~(3) One member from the Pennsylvania Game Commission.~~

~~(4) One member from the Allegheny National Forest.~~

~~(5) One member from the Pennsylvania State Association of Township Supervisors.~~

~~(6) One member from the Pennsylvania State Association of Boroughs.~~

~~(7) One member from the Pennsylvania State Association of County Commissioners.~~

~~(8) Eight members of the public representing the following organizations to be appointed by the Secretary of Conservation and Natural Resources:~~

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

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

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

~~(iv) Two members from a list of at least six representatives submitted by conservation or nonmotorized recreation organizations.~~

~~(v) One member from a list of at least three representatives submitted by the Pennsylvania Travel Council.~~

~~Each member may designate an alternate to serve in his stead. A~~

1 ~~member shall notify the chairman in writing of this designation.~~

2 ~~(c) Terms of appointees. The terms of all members of the~~
3 ~~committee appointed by the Secretary of Conservation and Natural~~
4 ~~Resources shall be three years. Any member of the committee may~~
5 ~~be reappointed for additional terms. A person appointed to fill~~
6 ~~a vacancy shall serve for the unexpired term and is eligible for~~
7 ~~reappointment.~~

8 ~~(d) Officers. The members of the committee shall annually~~
9 ~~elect a chairman, a vice chairman and a secretary from among the~~
10 ~~public members of the committee.~~

11 ~~(e) Meetings and expenses.—~~

12 ~~(1) The committee shall meet at least annually.~~

13 ~~(2) A public member, including a designee, who misses~~
14 ~~three consecutive meetings without good cause acceptable to~~
15 ~~the chairman may be replaced by the Secretary of Conservation~~
16 ~~and Natural Resources.~~

17 ~~(3) The public members of the committee shall be allowed~~
18 ~~actual, necessary and reasonable per diem expenses in~~
19 ~~accordance with regulations of the Executive Board. The~~
20 ~~department shall provide appropriate staff support to enable~~
21 ~~the committee to properly carry out its functions.~~

22 ~~(f) Powers and duties. The powers and duties of the~~
23 ~~committee shall be to advise the Secretary of Conservation and~~
24 ~~Natural Resources on matters concerning the implementation of~~
25 ~~this chapter, including existing and proposed regulations,~~
26 ~~standards, policies and practices; use and operation of~~
27 ~~snowmobiles and ATV's on public and private land; acquisition,~~
28 ~~construction, development and maintenance of trails;~~
29 ~~enforcement; and allocation of fees collected by the department~~
30 ~~pursuant to this chapter.~~

~~§ 7721. Operation on streets and highways.~~

~~(a) General rule. Except as otherwise provided in this chapter, it is unlawful to operate a snowmobile or an ATV on any street or highway which is not designated and posted as a snowmobile or an ATV road by the governmental agency having jurisdiction.~~

~~(b) Emergency and bridge crossings. A snowmobile or an ATV may be operated on highways and streets:~~

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

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

~~(c) Crossing street or highway. A snowmobile or an ATV may make a direct crossing of a street or highway upon compliance with the following requirements:~~

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

~~(2) The snowmobile or ATV is brought to a complete stop before crossing the shoulder or main traveled way of the highway.~~

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

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

~~§ 7722. Designation of snowmobile and ATV roads.~~

~~(a) General rule. The Department of Transportation on State designated highways and local authorities on any highway, road or street within its jurisdiction may designate any highway, road or street within its jurisdiction as a snowmobile~~

1 ~~road, an ATV road, or both, and may, in its discretion,~~
2 ~~determine whether such road shall be closed to vehicular traffic~~
3 ~~or whether snowmobiles and ATV's may share this designated road~~
4 ~~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 as provided in subsection (a).~~

13 ~~§ 7723. Special snowmobile and ATV events.~~

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

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

25 ~~(c) Notification and duty of police. A local authority~~
26 ~~shall notify the local police department and the county~~
27 ~~sheriff's office at least one week in advance of the time and~~
28 ~~place of any snowmobile or ATV race, rally or derby which may~~
29 ~~result in any highway or street, or part thereof, being blocked~~
30 ~~off. Upon such notice, the local police department shall take~~

~~such measures as it deems appropriate to protect persons and property and to regulate traffic in the designated area and its vicinity on the day of such race, rally or derby.~~

~~§ 7724. Operation on private or State property.~~

~~(a) Private real property.—~~

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

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

~~(b) State property.—~~

~~(1) No person shall operate a snowmobile or an ATV on State owned property except on clearly marked and previously designated snowmobile or ATV routes or as expressly permitted by the Commonwealth.~~

~~(2) (i) The department may designate any road within a State Park or State Forest over which the department has jurisdiction as a snowmobile road or an ATV road, or both, and may, in its discretion, determine whether the road shall be closed to vehicular traffic or whether snowmobiles and ATV's may share the designated road with vehicular traffic. Adequate notices of such designation~~

1 ~~and determination shall be sufficiently and prominently~~
2 ~~displayed.~~

3 ~~(ii) No person shall operate a snowmobile or ATV on~~
4 ~~State park or State forest land except as follows:~~

5 ~~(A) A person may operate a snowmobile on a road,~~
6 ~~trail or area that is designated and marked by the~~
7 ~~department as open for snowmobile use or on which the~~
8 ~~person has been given specific written permission to~~
9 ~~operate the snowmobile.~~

10 ~~(B) A person may operate a Class I ATV on a~~
11 ~~road, trail or area that is designated and marked by~~
12 ~~the department as open for ATV use or on which the~~
13 ~~person has been given specific written permission to~~
14 ~~operate the ATV.~~

15 ~~(C) A person may operate a Class II ATV on a~~
16 ~~road, trail or area if the person has been given~~
17 ~~specific written permission by the department to~~
18 ~~operate a Class II ATV on the road, trail or area.~~

19 ~~§ 7725. Operation by persons under age sixteen.~~

20 ~~(a) Crossing street or highway. No person under 16 years of~~
21 ~~age shall drive a snowmobile or an ATV across any highway or~~
22 ~~connecting street thereto unless he is under the direct~~
23 ~~supervision of a person 18 years of age or older and unless he~~
24 ~~holds a valid and appropriate safety certificate from the~~
25 ~~Commonwealth or a valid and approved certificate issued under~~
26 ~~the authority of another state or Province of Canada. The~~
27 ~~department shall determine what certificates will be approved.~~

28 ~~(b) Operation of an ATV by persons under eight years of~~
29 ~~age. No person under eight years of age shall operate an ATV~~
30 ~~upon State owned land.~~

~~(b.1) ATV size restrictions. An ATV operated in this Commonwealth by a person eight or nine years of age shall have an engine size of 70cc or less.~~

~~(b.2) Operation of a snowmobile by persons under ten years of age. No person under ten years of age shall operate a snowmobile upon State owned land.~~

~~(c) Snowmobile and ATV safety certification. No person 8 to 15 years of age shall operate an ATV and no person between 10 and 15 years of age shall operate a snowmobile in this Commonwealth unless the person satisfies one of the following conditions:~~

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

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

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

~~(4) Holds an appropriate safety certificate issued under the authority of another state or Province of Canada and 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 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), (b.2) and (c).~~

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

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

~~(h) Snowmobile and ATV safety program. The department shall implement a comprehensive snowmobile and ATV information, safety education and training program which shall include the preparation and dissemination of information and safety advice to the public and training of operators. The program shall provide for the training of youthful operators and for the issuance of snowmobile or ATV safety certificates to those who successfully complete the training provided under the program.~~

~~(i) Cooperation with other organizations. In implementing a program which is established under this section, the department shall cooperate with private organizations and associations, private and public corporations, the Department of Education and local governmental units. The department shall consult with~~

~~snowmobile, ATV and environmental organizations and associations in regard to subject matter of a training program that leads to certification of snowmobile and ATV operators.~~

~~§ 7726. Operation in safe manner.~~

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

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

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

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

~~(b) Permitting unsafe operation. No owner or other person having charge or control of a snowmobile or an ATV shall knowingly authorize or permit the operation of the snowmobile or ATV by any person who is incapable to do so by reason of age, physical or mental disability, or who is under the influence of alcohol or any controlled substance.~~

~~(c) Operation on highways and streets open to snowmobiles or ATV's and vehicular traffic. No person shall operate a snowmobile or ATV in any of the following ways on highways and streets open to snowmobiles or ATV's and vehicular traffic:~~

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

~~(2) Ride two snowmobiles or ATV's abreast. Snowmobiles and ATV's shall be operated in single file except when overtaking another vehicle. The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, until~~

1 ~~safely clear of such overtaken vehicle. Nothing in this~~
2 ~~section shall be construed to prohibit a driver overtaking~~
3 ~~the passing upon the right of another vehicle which is making~~
4 ~~or about to make a left turn. The driver of a vehicle shall~~
5 ~~not drive to the left side of the center of a highway in~~
6 ~~overtaking or passing another vehicle proceeding in the same~~
7 ~~direction, unless the left side is clearly visible and is~~
8 ~~free of oncoming traffic for a sufficient distance ahead to~~
9 ~~permit the overtaking or passing to be made in safety.~~

10 ~~(3) Turn to the right or left at an intersection or stop~~
11 ~~or decrease speed at an intersection without signaling as~~
12 ~~stated in this paragraph. The driver shall extend his hand~~
13 ~~and arm from the left side of the vehicle in the following~~
14 ~~manner to indicate as stated:~~

15 ~~(i) Left turn or other vehicle movement toward left,~~
16 ~~hand and arm extended horizontally.~~

17 ~~(ii) Right turn or other vehicle movement toward~~
18 ~~right, left hand and arm extended outward and pointed~~
19 ~~upward from the elbow.~~

20 ~~(iii) Stop or decrease speed, either the left or~~
21 ~~right hand and arm extended upward.~~

22 ~~(4) Disobey any traffic signal or signs placed in~~
23 ~~accordance with this title unless otherwise directed by a~~
24 ~~peace officer.~~

25 ~~(5) Without a securely fastened helmet on the head of an~~
26 ~~individual who operates or is a passenger on a snowmobile or~~
27 ~~ATV or who is being towed or otherwise propelled by a~~
28 ~~snowmobile. The department shall specify the types of helmets~~
29 ~~allowed through rules and regulations.~~

30 ~~§ 7727. Additional limitations on operation.~~

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

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

~~(2) Drive or pursue any game or wildlife with a snowmobile or an ATV.~~

~~§ 7728. Accidents and accident reports.~~

~~(a) Duty to stop and provide information. Whenever any snowmobile or ATV is involved in an accident resulting in loss of life, personal injury or damage to property and the operator thereof has knowledge of such accident, he shall stop and give his name and address, the name and address of the owner thereof and the registration number of the snowmobile or ATV to the injured person or the person sustaining the damage or to a police officer. In case no police officer nor the person sustaining the damage is present at the place where the damage occurred, then the operator shall immediately report, as soon as he is physically able, the accident to the nearest law enforcement agency.~~

~~(b) Report of accident to department. The operator of any snowmobile or ATV involved in any accident resulting in injuries to or death of any person or resulting in property damage to the estimated amount of \$100 or more shall, within seven days after such accident, report the matter in writing to the department. If the operator is physically incapable of making the report and there is another participant in the accident not so incapacitated, the participant shall make the report within the prescribed period of time after the accident. In the event that there is no other participant and the operator is other than the~~

~~owner, then the owner shall within the prescribed period of time, after learning of the facts of such accident, report the matter to the department, together with such information as may have come to his knowledge relating to such accident. Every operator or owner of a snowmobile or an ATV in an accident, or surviving participant of any such accident, shall make such other and additional reports as the department shall require.~~

~~(c) Report by law enforcement officer. A law enforcement officer who investigates or receives information of an accident involving a snowmobile or an ATV shall make a written report of the investigation or information received, and such additional facts relating to the accident as may come to his knowledge, and mail the same within 48 hours to the department and keep a record thereof in his office.~~

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

~~§ 7729. Liability of owner for negligence.~~

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

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

~~§ 7730. Liability insurance.~~

~~(a) Requirement. A snowmobile or ATV for which registration is required under this chapter shall have liability insurance coverage for the snowmobile or ATV issued by an insurance carrier authorized to do business in this Commonwealth. This subsection does not apply to limited registrations.~~

~~(b) Proof of insurance. Proof of insurance as required by this section shall be produced and displayed by the owner or operator of such snowmobile or ATV upon the request of any magistrate or any person having authority to enforce the provisions of this chapter or to any person who has suffered or claims to have suffered either personal injury or property damage as a result of the operation of such snowmobile or ATV. It shall be an affirmative defense to any prosecution for a violation of this section that such proof was so produced within 72 hours of receiving notice of such violation, injury or damage or the claim of such injury or damage.~~

~~(c) Owner's responsibility. No owner of a snowmobile or ATV shall operate or permit the same to be operated without having in full force and effect liability insurance coverage required by this section. The operator of a snowmobile or ATV shall carry proof of insurance on his person or on the snowmobile or ATV when it is in operation.~~

~~(d) Penalty. A person who violates subsection (a) or (c) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300 and costs of prosecution and, in default of payment of the fine or costs, shall be imprisoned for not more than ten days.~~

~~§ 7741. Head lamps and tail lamps.~~

~~(a) Time of operation. Every snowmobile or ATV operated~~

~~during hours of darkness shall display a lighted head lamp and tail lamp. The lights shall be in operation during the period of from one half hour after sunset to one half hour before sunrise and at any time when, due to insufficient light or unfavorable atmospheric conditions caused by fog or otherwise, other persons, vehicles and other objects are not clearly discernible for a distance of 500 feet ahead.~~

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

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

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

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

~~§ 7742. Brakes.~~

~~(a) Snowmobiles. It is unlawful to operate a snowmobile which is not equipped with at least one brake of a design approved by the department operated either by hand or by foot, capable of bringing the snowmobile to a stop, under normal conditions, within 40 feet when traveling at a speed of 20 miles~~

~~per hour with a 150 pound driver and on hard packed snow, or locking its traction belt or belts. The design shall permit simple and easy adjustment to compensate for wear.~~

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

~~§ 7743. Mufflers and noise control.~~

~~(a) General rule. It is unlawful to operate a snowmobile or an ATV which is not equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile or ATV noise and is in constant operation to prevent excessive or unusual noise. The exhaust system shall not emit or produce a sharp popping or crackling sound. The sound intensity produced by a snowmobile shall not exceed 82dbA when measured in accordance with SAE Recommended Practice J 192 Exterior Sound Level for Snowmobiles, as amended. The department may by regulation adopt more stringent noise requirements for snowmobiles. The department shall by regulation adopt noise requirements for in use operation of ATV's using measurement procedures in accordance with ANSI/SAE Recommended Practice J 1287 March 1982, Measurement of Exhaust Level of Stationary Motorcycles. The sound level intensity produced by an ATV shall not exceed 99dbA, or decibels, when measured at 20 inches.~~

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

~~(c) Exception. This section does not apply to organized~~

1 ~~races or similar competitive events.~~

2 ~~§ 7751. Enforcement personnel and procedures.~~

3 ~~(a) Duty of enforcement. Every law enforcement officer in~~
4 ~~this Commonwealth and designated officers and employees of the~~
5 ~~department shall enforce the provisions of this chapter.~~

6 ~~(b) Forms and procedures. The department may prescribe the~~
7 ~~form of summons or complaint, or both, in all cases involving a~~
8 ~~violation of any provision of this chapter or of any ordinance,~~
9 ~~rule or regulation relating to snowmobiles or ATV's, or of any~~
10 ~~class or category of such cases, and may establish procedures~~
11 ~~for proper administrative controls over the disposition thereof.~~

12 ~~(c) Records and reports. The chief executive officer of~~
13 ~~each local police force, sheriffs and the Commissioner of the~~
14 ~~Pennsylvania State Police shall prepare or cause to be prepared~~
15 ~~such records and reports as may be prescribed under this~~
16 ~~section.~~

17 ~~(d) Rules and regulations. The department may promulgate~~
18 ~~such rules and regulations as may be deemed necessary to~~
19 ~~accomplish the purposes and enforce the provisions of this~~
20 ~~section including requirements for reporting by trial courts~~
21 ~~having jurisdiction over snowmobile and ATV violations.~~

22 ~~§ 7752. Penalties for violation of chapter.~~

23 ~~(a) General rule. Except as provided in subsections (c) and~~
24 ~~(d) and unless otherwise provided in this chapter, a person who~~
25 ~~violates this chapter commits a summary offense and shall, upon~~
26 ~~conviction:~~

27 ~~(1) For a first offense, be sentenced to pay a fine of~~
28 ~~not less than \$50 nor more than \$200 and costs of prosecution~~
29 ~~and, in default of the payment of the fine or costs, shall be~~
30 ~~imprisoned for not more than ten days.~~

~~(2) For a subsequent offense, be sentenced to pay a fine of not less than \$100 nor more than \$300 and costs of prosecution and, in default of the payment of the fine or costs, shall be imprisoned for not more than 30 days.~~

~~(c) Unauthorized disposition of forms. A person who disposes of a summons or complaint issued pursuant to this chapter in a manner other than that prescribed by law, rule or regulation commits a misdemeanor of the third degree.~~

~~(d) Registration.—~~

~~(1) A person who violates section 7711.1 (relating to registration of snowmobile or ATV) or 7711.2 (relating to limited registration of snowmobile or ATV) by failing to obtain the required registration certificate or limited registration certificate commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300 or to be imprisoned for 90 days, or both, and costs of prosecution. Proceedings for a summary offense under this paragraph must be commenced within 60 days after commission of the alleged offense or within 60 days after discovery of the commission of the offense or the identity of the offender, whichever is later.~~

~~(2) A person who violates section 7711.1 or 7711.2 by failing to properly display the required registration decal or plate commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50 and costs of prosecution.~~

~~(3) A person who violates section 7711.1 by failing to properly display the required expiration sticker or by failing to carry the required registration certificate commits a summary offense and shall, upon conviction, be~~

~~sentenced to pay a fine of \$50 and costs of prosecution.~~

~~§ 7753. Actions for collection of penalties.~~

~~(a) General rule. An action to recover any penalty imposed under the provisions of this chapter may be brought in any court of competent jurisdiction in this Commonwealth on order of the department and in the name of the Commonwealth. In any such action all penalties incurred up to the time of commencing the action may be sued for and recovered therein and the commencement of an action to recover any such penalty shall not be, or be held to be, a waiver of the right to recover any other penalty. In case of recovery of any amount in an action brought to recover any such penalty the Commonwealth shall be entitled to recover full costs and at the rates provided for civil actions.~~

~~(b) Duty and liability of witnesses. No person shall be excused from testifying or producing any books, papers or other documents in any civil action to recover any such penalty, upon the ground that his testimony might tend to convict him of an offense or subject him to a penalty or forfeiture. No person shall be prosecuted, punished or subjected to any penalty of forfeiture for or on account of any such act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding. No person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. This subsection is not intended to give, and shall not be construed as in any manner giving, unto any corporation immunity of any kind.~~

~~(c) Plea of guilty. A defendant charged with a violation of~~

~~any provision of this chapter may himself plead guilty to the charge in open court. He may also submit to the judge having jurisdiction, in person, by duly authorized agent, or by registered mail, a statement setting forth the following:~~

~~(1) That he waives arraignment in open court and the aid of counsel.~~

~~(2) That he pleads guilty to the offense as charged.~~

~~(3) That he elects and requests that the charge be disposed of and the fine or penalty fixed by the court.~~

~~(4) Any explanation that he desires to make concerning the offense charged.~~

~~(5) That he makes all statements under penalty of perjury.~~

~~Thereupon the judge may proceed as though the defendant had been convicted upon a plea of guilty in open court. Any imposition of fine or penalty under this section shall be deemed tentative until the fine or penalty has been paid and discharged in full. If, upon receipt of the aforesaid statement, the judge shall deny the same, he shall thereupon notify the defendant of this fact and that he is required to appear before the said judge at a stated time and place to answer the charge which shall thereafter be disposed of pursuant to the applicable provisions of law.~~

~~(d) Statement of disposition of case.— Subject to any inconsistent procedures and standards relating to reports and transmission of funds prescribed pursuant to Title 42 (relating to judiciary and judicial procedure), the court before whom any person shall be tried shall, at the termination of the trial or proceeding, forthwith mail or deliver to the department at Harrisburg a certified statement of the disposition of the case~~

~~or proceeding giving the date thereof, the name of the
defendant, the date and place of the violation, the name of each
witness sworn in support of the charges and the amount of the
fine or penalty paid.~~

~~(c) Section not exclusive. This section:~~

~~(1) Does not prohibit the prosecution of violations of
this chapter in any court of competent jurisdiction in the
same manner as other offenses.~~

~~(2) Is subject to any inconsistent general rules
relating to actions for the collection of fines and
penalties.]~~

~~Section 4. Section 9017(d.1)(1) and (2) of Title 75 are
amended to read:~~

~~§ 9017. Refunds.~~

~~* * *~~

~~(d.1) Motorized recreational vehicles.—~~

~~(1) When the tax imposed by this chapter has been paid
and the fuel on which the tax has been imposed has been
consumed in the operation of motorized recreational vehicles
on designated roads and bridges of this Commonwealth,
including roads and bridges bordering on this Commonwealth,
annually up to a maximum of \$1,000,000 of the full amount of
such taxes shall be refunded to the restricted account
established in [section] 32 Pa.C.S. § 7706 (relating to
restricted account) upon petition to the Board of Finance and
Revenue.~~

~~(2) In accordance with prescribed procedures, the
Department of Conservation and Natural Resources shall
biennially calculate the amount of liquid fuels consumed by
motorized recreational vehicles and furnish such information~~

1 relating to its calculations and data to the Board of Finance
2 and Revenue. The board shall review the petition and
3 motorized recreational vehicle fuel consumption calculations
4 of the Department of Conservation and Natural Resources to
5 determine the full amount of taxes paid and shall certify to
6 the State Treasurer to refund annually up to a maximum of
7 \$1,000,000 of the full amount of such taxes to the restricted
8 account established in [section] 32 Pa.C.S. § 7706.

9 * * *

10 Section 5. ~~The addition of 32 Pa.C.S. Ch. 77 is a~~
11 ~~continuation of 75 Pa.C.S. Ch. 77. The following apply:~~

12 (1) ~~Except as otherwise provided in 32 Pa.C.S. Ch. 77,~~
13 ~~all activities initiated under the 75 Pa.C.S. Ch. 77 continue~~
14 ~~and remain in full force and effect and may be completed~~
15 ~~under 32 Pa.C.S. Ch. 77. Orders, regulations, rules and~~
16 ~~decisions which were made under 75 Pa.C.S. Ch 77 and which~~
17 ~~are in effect on the effective date of section 3 (75 Pa.C.S.~~
18 ~~Ch. 77) of this act shall remain in full force and effect~~
19 ~~until revoked, vacated or modified under 32 Pa.C.S. Ch. 77.~~
20 ~~Contracts, obligations and collective bargaining agreements~~
21 ~~entered into under 75 Pa.C.S. Ch. 77 are not affected nor~~
22 ~~impaired by the repeal of 75 Pa.C.S. Ch. 77.~~

23 (2) ~~Except as set forth in paragraph (3), any difference~~
24 ~~in language between 32 Pa.C.S. Ch. 77 and 75 Pa.C.S. Ch. 77~~
25 ~~is intended only to conform to the style of the Pennsylvania~~
26 ~~Consolidated Statutes and is not intended to change or affect~~
27 ~~the legislative intent, judicial construction or~~
28 ~~administration and implementation of 75 Pa.C.S. Ch. 77.~~

29 (3) ~~Paragraph (2) does not apply to the addition of the~~
30 ~~definition of "all terrain vehicle" in 32 Pa.C.S. § 7702.~~

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

SECTION 1. THE DEFINITION OF "ALL-TERRAIN VEHICLE" OR "ATV" <—
IN SECTION 7702 OF TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED
STATUTES IS AMENDED TO READ:

§ 7702. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE
MEANINGS GIVEN TO THEM IN THIS SECTION:

"ALL-TERRAIN VEHICLE" OR "ATV." A MOTORIZED OFF-HIGHWAY
VEHICLE WHICH TRAVELS ON THREE OR MORE INFLATABLE TIRES AND
WHICH HAS:

(1) A MAXIMUM WIDTH OF 50 INCHES AND A MAXIMUM DRY
WEIGHT OF [800] 1,000 POUNDS; OR

(2) A WIDTH WHICH EXCEEDS 50 INCHES OR A DRY WEIGHT
WHICH EXCEEDS [800] 1,000 POUNDS.

ATV'S DESCRIBED IN PARAGRAPH (1) MAY BE REFERRED TO AS CLASS I
ATV'S, AND ATV'S DESCRIBED IN PARAGRAPH (2) MAY BE REFERRED TO
AS CLASS II ATV'S. THIS TERM DOES NOT INCLUDE SNOWMOBILES, TRAIL
BIKES, MOTORBOATS, GOLF CARTS, AIRCRAFT, DUNE BUGGIES,
AUTOMOBILES, CONSTRUCTION MACHINES, TRUCKS OR HOME UTILITY
MACHINES; MILITARY, FIRE, EMERGENCY AND LAW ENFORCEMENT
VEHICLES; IMPLEMENTS OF HUSBANDRY; MULTIPURPOSE AGRICULTURAL
VEHICLES; VEHICLES USED BY THE DEPARTMENT; OR ANY VEHICLE THAT
IS OR IS REQUIRED TO BE REGISTERED UNDER CHAPTER 13 (RELATING TO
REGISTRATION OF VEHICLES). IN ADDITION, THIS TERM DOES NOT
INCLUDE OFF-ROAD MOTOR VEHICLES USED EXCLUSIVELY AS UTILITY
VEHICLES FOR AGRICULTURAL OR BUSINESS OPERATIONS AND
INCIDENTALLY OPERATED OR MOVED UPON THE HIGHWAY.

* * *

SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.