

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 648 Session of 2015

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

AS AMENDED ON THIRD CONSIDERATION, SEPTEMBER 30, 2015

AN ACT

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

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

7 Section 1. Section 7706 of Title 75 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 7706. Restricted [account] accounts.

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

11 (1) The [department] ATV Management Restricted Account
12 and the Snowmobile Management Restricted Account are
13 established in the State Treasury. The department shall
14 deposit the following into [a] the appropriate restricted
15 account[, which is hereby established]:

16 (i) all moneys received from the registration of and
17 issuance of certificates of title for snowmobiles and
18 ATV's and from the issuance of vintage snowmobile

1 permits;
2 (ii) all revenue from the sale of any publications
3 or services relating to snowmobiles and ATV's; [and]
4 (iii) all fines, penalties, fees and costs assessed
5 and collected as a result of enforcement activities
6 conducted by the department's law enforcement personnel
7 under this chapter[.] related to violations attributed to
8 ATV's shall be deposited in the ATV Management Restricted
9 Account;

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

16 ~~(v) all unobligated moneys in the restricted account~~ <--
17 ~~existing under this section as of the effective date of~~
18 ~~this subparagraph shall be divided into the two~~
19 ~~restricted accounts based on the current number of active~~
20 ~~snowmobile and active ATV registrations; and~~

21 ~~(vi) (V) all refunds of gas taxes generated under~~ <--
22 section 9017(d.1) (relating to refunds) shall be
23 deposited in the two restricted accounts on a
24 proportional basis of the activity that generated those
25 taxes.

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

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

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

16 (b) Grant-in-aid.--The department shall, upon written
17 application and subsequent approval, grant money from the
18 restricted [account] accounts:

19 (1) To municipalities [and], profit and nonprofit
20 organizations in connection with snowmobile and ATV use on
21 lands not owned by the Commonwealth for the following:

22 (i) Plans, specifications and engineering surveys.

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

25 (iii) Land acquisition.

26 (iv) Construction, maintenance and rehabilitation of
27 trails and other facilities for snowmobiles and ATV's.

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

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

5 (b.1) Regulations.--No later than 60 days from the effective
6 date of this subsection, the department shall promulgate
7 regulations necessary to implement the provisions of subsection
8 (b). The department shall promulgate the regulations in a manner
9 that is separate from regulations pertaining to any other grant
10 program administered by the department. The department's
11 regulations shall include a semiannual approval grant process.

12 (c) Audit of moneys.--The restricted [account] accounts
13 shall be audited every two years. Copies of the audit shall be
14 provided to the Snowmobile and ATV Advisory Committee[.], the
15 Appropriations Committee of the Senate and the Appropriations
16 Committee of the House of Representatives. Copies shall also be
17 posted and maintained on the department's publicly accessible
18 Internet website.

19 (d) Annual report.--An annual report on income and
20 expenditures from the restricted accounts shall be posted and
21 maintained on the department's publicly accessible Internet
22 website and provided to the Appropriations Committee of the
23 Senate and the Appropriations Committee of the House of
24 Representatives.

25 (e) Definition.--For purposes of this section, "all-terrain
26 vehicle" or "ATV" shall also include any self-propelled vehicle
27 which is manufactured for sale or operation primarily on off-
28 highway trails or off-highway competition and only incidentally
29 operated on public highways. This term shall not include a
30 snowmobile or other self-propelled vehicles manufactured for

1 off-highway use exclusively designed for travel on snow or ice,
2 steered by skis or runners and supported in whole or in part by
3 one or more skis, belts or cleats which utilize an endless belt
4 tread.

5 Section 2. Sections 7717(b), (e)(1) and (2) and (f) and
6 9017(d.1)(1) of Title 75 are amended to read:

7 § 7717. Snowmobile and ATV Advisory Committee.

8 * * *

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

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

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

16 (3) One member [from] representing the Pennsylvania Game
17 Commission.

18 (4) One member [from] representing the Allegheny
19 National Forest.

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

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

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

26 (7.1) One member representing the Department of
27 Community and Economic Development.

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

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

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

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

10 [(iv) Two members from a list of at least six
11 representatives submitted by conservation or nonmotorized
12 recreation organizations.]

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

16 (vi) One member from a list of at least three
17 representatives submitted by the Pennsylvania Economic
18 Development Association.

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

21 * * *

22 (e) Meetings and expenses.--

23 (1) The committee shall meet at least [annually]
24 biannually.

25 (2) A public member, including a designee, who misses
26 three consecutive meetings without good cause [acceptable to
27 the chairman] may be replaced by the Secretary of
28 Conservation and Natural Resources upon recommendation of the
29 chairman.

30 * * *

1 (f) Powers and duties.--The powers and duties of the
2 committee shall be to advise the Secretary of Conservation and
3 Natural Resources on matters concerning the implementation of
4 this chapter, including existing and proposed regulations,
5 standards, policies, guidelines and practices; use and operation
6 of snowmobiles and ATV's on public and private land;
7 acquisition, construction, development and maintenance of
8 trails; enforcement; and allocation of fees collected by the
9 department pursuant to this chapter.

10 § 9017. Refunds.

11 * * *

12 (d.1) Motorized recreational vehicles.--

13 (1) When the tax imposed by this chapter has been paid
14 and the fuel on which the tax has been imposed has been
15 consumed in the operation of motorized recreational vehicles
16 on designated roads and bridges of this Commonwealth,
17 including roads and bridges bordering on this Commonwealth,
18 annually up to a maximum of \$1,000,000 of the full amount of
19 such taxes shall be refunded to the restricted account
20 established in section 7706 (relating to restricted [account]
21 accounts) upon petition to the Board of Finance and Revenue.

22 * * *

23 SECTION 3. ALL MONEY IN THE RESTRICTED ACCOUNT ESTABLISHED <--
24 UNDER 75 PA.C.S. § 7706 THAT EXISTS ON THE EFFECTIVE DATE OF
25 THIS SECTION SHALL BE USED IN PERFORMING ANY ACTIVITIES
26 NECESSARY TO CARRY OUT THE PURPOSES OF 75 PA.C.S. CH. 77,
27 INCLUDING REGISTRATION AND CERTIFICATE OF TITLE ACTIVITIES,
28 TRAINING, EDUCATION, ENFORCEMENT ACTIVITIES, CONSTRUCTION AND
29 MAINTENANCE OF SNOWMOBILE AND ATV TRAILS AND ACQUISITION OF
30 EQUIPMENT, SUPPLIES AND INTERESTS IN LAND.

1 Section 3 4. This act shall take effect in 60 days.

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