

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1183 Session of 2022

INTRODUCED BY BROWNE, SCAVELLO AND FONTANA, MAY 3, 2022

AS AMENDED ON THIRD CONSIDERATION, JUNE 8, 2022

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75
2 (Vehicles) of the Pennsylvania Consolidated Statutes, in
3 forfeiture of assets, further providing for asset forfeiture;
4 and, in snowmobiles and all-terrain vehicles, further
5 providing for operation on streets and highways.

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

8 Section 1. Section 5803(a) of Title 42 of the Pennsylvania
9 Consolidated Statutes is amended by adding a paragraph to read:

10 § 5803. Asset forfeiture.

11 (a) Applicability.--Notwithstanding any law to the contrary,
12 this section shall apply to forfeitures conducted under the
13 following:

14 * * *

15 (13.1) 75 Pa.C.S. § 7721(d) (relating to operation on
16 streets and highways).

17 * * *

18 Section 2. Section 7721 of Title 75 is amended to read:

19 § 7721. Operation on streets and highways.

20 (a) General rule.--Except as otherwise provided in this

1 chapter, it is unlawful to operate a snowmobile, dirt bike or an
2 ATV on any street or highway which is not designated and posted
3 as a snowmobile, dirt bike or an ATV road by the governmental
4 agency having jurisdiction.

5 (b) Emergency and bridge crossings.--A snowmobile, dirt bike
6 or an ATV may be operated on highways and streets:

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

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

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

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

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

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

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

24 (d) Penalties.--Except as provided under subsection (e), a
25 dirt bike or all-terrain vehicle operated on any public street,
26 highway or right-of-way in a city of the first class, second
27 class, second class A or third class or a borough in violation
28 of this section shall be designated as prima facie contraband
29 subject to forfeiture in accordance with 42 Pa.C.S. § 5803
30 (relating to asset forfeiture).

1 (e) Applicability.--The provisions of subsection (d) do not
2 apply to a city of the FIRST CLASS, SECOND CLASS, SECOND CLASS A <--
3 OR third class or borough that has adopted an ordinance allowing
4 for the operation of an ATV within the city of the FIRST CLASS, <--
5 SECOND CLASS, SECOND CLASS A OR third class or borough in
6 accordance with section 7722(a) (relating to designation of
7 snowmobile and ATV roads) or 7724(b) (relating to operation on
8 private or State property).

9 (f) Definitions.--As used in this section, the following
10 words and phrases shall have the meanings given to them in this
11 subsection unless the context clearly indicates otherwise:

12 "Dirt bike." A two-wheeled motorcycle that is designed and
13 manufactured for off-road use only and that does not comply with
14 Federal motor vehicle safety standards or United States
15 Environmental Protection Agency on-road emissions standards.

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