

JUDICIAL CODE (42 PA.C.S.) AND VEHICLE CODE (75 PA.C.S.) - ASSET  
FORFEITURE AND OFF-ROAD VEHICLES IN URBAN MUNICIPALITIES

Act of Jul. 11, 2022, P.L. 1596, No. 92

Cl. 42

Session of 2022

No. 2022-92

SB 1183

AN ACT

Amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in forfeiture of assets, further providing for asset forfeiture; in miscellaneous provisions, providing for off-road vehicles in urban municipalities; and, in snowmobiles and all-terrain vehicles, further providing for definitions.

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

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

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

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**(13.1) 75 Pa.C.S. § 3722 (relating to off-road vehicles in urban municipalities).**

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Section 2. Title 75 is amended by adding a section to read: § 3722. Off-road vehicles in urban municipalities.

(a) Prohibition.--Except as provided in Subchapter C of Chapter 77 (relating to operation), subsection (b) or otherwise provided by this title or other law of this Commonwealth, including local ordinances adopted by urban municipalities, no individual may operate an all-terrain vehicle or a dirt bike on any of the following public areas within the boundaries of an urban municipality:

- (1) A highway, including the berm or shoulder.
- (2) A sidewalk.
- (3) A pedalcycle lane.

(b) Exception for crossing.--Subsection (a) shall not apply to the operation of a dirt bike while making a direct crossing of a highway in compliance with all of 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 dirt bike is brought to a complete stop before crossing the shoulder or main-traveled way of the highway.
- (3) The individual 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 the highway with another highway.

(c) Penalty.--Except as provided in subsection (d), an individual who violates subsection (a) 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, be imprisoned for not more than 10 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, be imprisoned for not more than 30 days.

(d) Prohibition on similar citations.--No person may be charged with a violation of Subchapter C of Chapter 77 concurrently with a violation of subsection (a) for an offense committed at the same time and place.

(e) Forfeiture.--

(1) In addition to the penalty provided under subsection (c) and subject to paragraph (2), an all-terrain vehicle or dirt bike operated in violation of subsection (a) shall be subject to forfeiture in accordance with 42 Pa.C.S. §§ 5803 (relating to asset forfeiture), 5805 (relating to forfeiture procedure), 5806 (relating to motion for return of property), 5807 (relating to restrictions on use), 5807.1 (relating to prohibition on adoptive seizures) and 5808 (relating to exceptions).

(2) Forfeiture as authorized under paragraph (1) may not occur unless the individual is convicted of a violation of subsection (a).

(3) A police officer may impound an all-terrain vehicle or dirt bike operated in violation of subsection (a) pending final disposition of the case or a court order.

(f) Construction.--Nothing contained in this section shall be construed to allow the operation of an all-terrain vehicle or dirt bike outside of the boundaries of an urban municipality in a manner that is inconsistent with this title or other law of this Commonwealth.

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

"All-terrain vehicle." As defined in section 7702 (relating to definitions).

"Dirt bike." A two-wheeled motor vehicle that has a seat or saddle, is designed and manufactured exclusively for off-road use and does not comply with Federal Motor Vehicle Safety Standards or Environmental Protection Agency on-road emissions standards. The term does not include:

(1) A vehicle that is or is required to be registered under Chapter 13 (relating to registration of vehicles).

(2) A dual sport motorcycle.

(3) An electric pedalcycle.

"Dual sport motorcycle." A motorcycle that is designed and manufactured to be ridden on and off road and is titled and registered with the department for on-road use.

"Electric pedalcycle." A vehicle that:

(1) weighs not more than 100 pounds with two wheels more than 11 inches in diameter;

(2) is manufactured or assembled with an electric motor system rated at not more than 750 watts and that ceases to provide assistance when the vehicle reaches speeds of 28 miles per hour; and

(3) is equipped with operable pedals and a seat or saddle for the rider.

"Urban municipality." A city of the first class, second class, second class A or third class.

Section 3. The definition of "all-terrain vehicle" or "ATV" in section 7702 of Title 75 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 [off-highway] tires and which has:

(1) a maximum width of 50 inches and a maximum dry weight of 1,200 pounds; or

(2) a width which exceeds 50 inches or a dry weight which exceeds 1,200 pounds.

[ATV's] **An ATV** described in paragraph (1) may be referred to as **a Class I [ATV's] ATV**, and [ATV's] **an ATV** described in paragraph (2) may be referred to as **a Class II [ATV's] ATV**. 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.

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

APPROVED--The 11th day of July, A.D. 2022.

TOM WOLF