

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1921 Session of
1984

INTRODUCED BY LETTERMAN, GRIECO, SCHEETZ, GODSHALL, RYAN,
SALOOM, OLASZ, MANDERINO, SEVENTY, MARKOSEK, BURD, LLOYD AND
DeWEESE, FEBRUARY 13, 1984

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 13, 1984

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for the registration and regulation of
3 certain off-road vehicles including but not limited to all-
4 terrain vehicles and trail bikes; and imposing powers and
5 duties on the Department of Environmental Resources.

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

8 Section 1. The heading of Chapter 77 of Title 75 of the
9 Pennsylvania Consolidated Statutes is amended to read:

10 CHAPTER 77

11 SNOWMOBILES AND OFF-ROAD VEHICLES

12 Section 2. Sections 7701, 7702, 7706, 7711, 7712, 7713,
13 7714, 7715, 7716, 7721, 7722, 7723, 7724, 7725, 7726, 7727,
14 7728, 7729, 7741, 7742, 7743, 7751 and 7752 of Title 75 are
15 amended to read:

16 § 7701. Short title of chapter.

17 This chapter shall be known and may be cited as the
18 "Snowmobile and Off-Road Vehicle Law."

19 § 7702. Definitions.

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

4 "All-terrain vehicle." A lightweight motor-driven
5 recreational vehicle using multitrack, multiwheel or low
6 pressure tires and capable of cross-country travel without the
7 benefit of road or trail on, in or over land, water, snow, ice,
8 marsh or other natural terrain. The term does not include a
9 snowmobile or trail bike.

10 "Cowling." The forward portion of the snowmobile, usually of
11 fiberglass or similar material, surrounding the motor and clutch
12 assembly.

13 "Dealer." A person engaged in the business of selling
14 snowmobiles or off-road vehicles at wholesale or retail.

15 "Department." The Department of Environmental Resources of
16 the Commonwealth.

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

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

22 "Off-road vehicle" or "ORV." A vehicle which is designed and
23 intended for off-road use on or over land, water, snow, ice,
24 marsh or other natural terrain with or without the benefit of
25 road or trail and which is not registered for operation on the
26 highway pursuant to Part II (relating to title, registration and
27 licensing). Examples of the ORV's covered under this chapter
28 include, but are not limited to, all-terrain vehicles and trail
29 bikes. The term does not include vehicles owned and operated by
30 the department, snowmobiles, motorboats, golf carts, aircraft,

1 farm, industrial or forest harvest vehicles, dune buggies,
2 automobiles, trucks, construction machines, home utility
3 vehicles, military, fire, emergency or law enforcement vehicles,
4 or other off-road vehicles not generally used for outdoor
5 recreation.

6 "Snowmobile." An engine-driven vehicle of a type which
7 utilizes sled type runners, or skis, or an endless belt tread or
8 any combination of these or other similar means of contact with
9 the surface upon which it is operated. The term does not include
10 any farm tractor, highway or other construction equipment, or
11 any military or law enforcement vehicle.

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

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

16 "Trail bike." A lightweight motor-driven recreational
17 vehicle designed to travel on not more than three wheels and
18 used for cross-country travel on land with or without the
19 benefit of a road or trail. The term includes, but is not
20 limited to, dual-purpose motorcycles, trail bikes, mini bikes
21 and other similar wheeled recreational vehicles.

22 § 7706. Restricted receipts fund.

23 (a) Deposit and use of moneys.--The department shall deposit
24 all moneys received from the registration of snowmobiles and
25 ORVs, the sale of snowmobile and ORV registration information,
26 snowmobile and ORV publications and other services provided by
27 the department, all fines and penalties resulting from
28 violations of this chapter, and all fees collected under this
29 chapter in a restricted receipts fund, from which the department
30 shall draw moneys for use in carrying out the registration,

1 safety education and enforcement requirements of this chapter as
2 well as the establishment, construction and maintenance of
3 trails and any equipment and supplies necessary to carry out the
4 purposes of this chapter. All moneys in said fund not heretofore
5 paid into the General Fund shall remain in said restricted
6 receipts fund to be used as specified in this chapter.

7 (b) Audit of moneys.--The restricted receipts fund shall be
8 audited every two years.

9 § 7711. Registration of dealers.

10 Any person who is in the business of selling snowmobiles or
11 ORVs shall register as a dealer. The department, upon receipt of
12 application and the required fee, shall assign a distinguishing
13 dealer registration number to the registrant and issue
14 appropriate registration certificate to him. Dealer
15 registrations are not transferable.

16 § 7712. Registration of snowmobiles and ORVs.

17 (a) General rule.--Upon application therefor upon a form
18 prescribed and furnished by the department which shall contain a
19 full description of the snowmobile or ORV, the actual and bona
20 fide name and address of the owner, proof of ownership and any
21 other information the department may reasonably require, and
22 which shall be accompanied by the required fee, the department
23 shall issue a certificate of registration of a snowmobile or an
24 ORV and a decal showing the expiration date to the owner.

25 (b) Temporary registration.--Temporary registration for a
26 period not to exceed 45 days may be issued by a registered
27 dealer pursuant to rules and regulations promulgated by the
28 department.

29 (c) Fees.--Fees for registration of snowmobiles and ORVs to
30 be collected by the department under this chapter are as

1 follows:

2 (1) Each individual resident registration for two years,
3 \$10 for a snowmobile and \$20 for an ORV.

4 (2) Each individual nonresident registration for two
5 years, \$10 for a snowmobile and \$20 for an ORV.

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

7 (4) Replacement of a lost, mutilated or destroyed
8 certificate or decal, \$1.

9 (d) Exemptions from fees.--No fee is required for the
10 registration of snowmobiles or ORVs owned by:

11 (1) The Commonwealth.

12 (2) Political subdivisions.

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

15 § 7713. Certificates of registration and decals.

16 (a) General rule.--Except as otherwise provided in this
17 chapter, it is unlawful to operate a snowmobile or an ORV unless
18 a certificate of registration has been issued therefor and
19 unless there is displayed thereon the permanent or temporary
20 registration number and a valid decal.

21 (b) Registration number requirements.--Numbers corresponding
22 to the permanent registration number of the snowmobile or ORV,
23 shown on the certificate of registration, shall be obtained by
24 the applicant and affixed to the snowmobile or ORV. The
25 permanent registration number displayed on the snowmobile or ORV
26 shall be of a color which will contrast with the surface to
27 which applied, shall be reflective and shall be at least three
28 inches high.

29 (c) Display of number and decal.--The decal and the
30 permanent registration number shall be displayed on both sides

1 of the cowling of the snowmobile for which issued. No number
2 other than the number assigned to a snowmobile by the department
3 or the identification number of the registration in another
4 state shall be attached to or displayed on the cowling. The
5 department shall by regulation prescribe the manner in which the
6 decal and registration number shall be displayed on various
7 types of ORVs.

8 (d) Expiration on transfer.--The certificate of registration
9 issued for a snowmobile or an ORV shall expire and the decal
10 shall become invalid when title to the snowmobile or ORV is
11 transferred.

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

16 § 7714. Exemptions from registration.

17 No certificate of registration or decal shall be required for
18 a snowmobile or an ORV:

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

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

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

1 § 7715. Reciprocity.

2 The provisions of this chapter relating to certificates of
3 registration and decals shall not apply to nonresident owners
4 who have complied with the registration and licensing laws of
5 the state, province, district or country of residence, provided
6 that the snowmobile or ORV is appropriately identified in
7 accordance with the laws of the state of residence.

8 § 7716. Central registration file.

9 The department shall maintain a central file of the
10 certificate of registration number, name and address of the
11 owner of each snowmobile and ORV for which a certificate of
12 registration is issued and such information shall be made
13 available to all enforcement agencies.

14 § 7721. Operation on streets and highways.

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

20 (b) Emergency and bridge crossings.--A snowmobile or an ORV
21 may be operated on highways and streets:

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

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

25 (c) Crossing street or highway.--A snowmobile or an ORV may
26 make a direct crossing of a street or two-lane highway upon
27 compliance with the following requirements:

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

1 (2) The snowmobile or ORV is brought to a complete stop
2 before crossing the shoulder or main-traveled way of the
3 highway.

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

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

9 § 7722. Designation of snowmobile and ORV roads.

10 (a) General rule.--The Department of Transportation on
11 State-designated highways and local authorities on any highway,
12 road or street within its jurisdiction may designate any
13 highway, road or street within its jurisdiction as a snowmobile
14 road, an ORV road, or both, and may, in its discretion,
15 determine whether such road shall be closed to vehicular traffic
16 or whether snowmobiles and ORVs may share this designated road
17 with vehicular traffic.

18 (b) Posting notices.--Adequate notices of such designation
19 and determination shall be sufficiently and prominently
20 displayed.

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

26 § 7723. Special snowmobile and ORV events.

27 (a) General rule.--Snowmobiles and ORVs may be operated on
28 highways and streets for special snowmobile and ORV events of
29 limited duration which are conducted according to a prearranged
30 schedule under permit from the governmental agency having

1 jurisdiction.

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

8 (c) Notification and duty of police.--A local authority
9 shall notify the local police department and the county
10 sheriff's office at least one week in advance of the time and
11 place of any snowmobile or ORV race, rally or derby which may
12 result in any highway or street, or part thereof, being blocked
13 off. Upon such notice, the local police department shall take
14 such measures as it deems appropriate to protect persons and
15 property and to regulate traffic in the designated area and its
16 vicinity on the day of such race, rally or derby.

17 § 7724. Operation on private or State property.

18 (a) Private property.--No person shall operate a snowmobile
19 or an ORV on private property without the consent of the owner
20 of or lessor thereof. Any person operating a snowmobile or an
21 ORV upon lands of another shall stop and identify himself upon
22 the request of the landowner or his duly authorized
23 representatives and, if requested to do so by the landowner,
24 shall promptly remove the snowmobile or ORV from the premises.

25 (b) State property.--No person shall operate a snowmobile or
26 an ORV on State-owned property except on clearly marked and
27 previously designated snowmobile or ORV routes. The department
28 may designate any road within a State Park or State Forest over
29 which the department has jurisdiction as a snowmobile road or an
30 ORV road, or both, and may, in its discretion, determine whether

1 the road shall be closed to vehicular traffic or whether
2 snowmobiles and ORVs may share the designated road with
3 vehicular traffic. Adequate notices of such designation and
4 determination shall be sufficiently and prominently displayed.

5 § 7725. Operation by persons under age sixteen.

6 (a) Snowmobile and ORV safety certification.--Except as
7 otherwise provided in this section, no person ten years of age
8 and over who has not reached 16 years of age shall operate a
9 snowmobile or an ORV in this Commonwealth, except upon lands of
10 his parent or guardian, unless and until he has received safety
11 training as prescribed by the department and has received the
12 appropriate snowmobile or ORV safety certificate issued by the
13 department. The department may authorize sanctioned snowmobile
14 and ORV clubs to act as agents in conducting classes and
15 examinations and issuing snowmobile and ORV safety certificates
16 in the name of the department.

17 (b) Failure to exhibit certificate.--The failure of an
18 operator to exhibit a snowmobile or an ORV safety certificate
19 upon demand to any police officer having authority to enforce
20 the provisions of this chapter shall be presumptive evidence
21 that such person is not the holder of such certificate.

22 (c) Permitting unauthorized operation.--No owner of a
23 snowmobile or an ORV shall authorize or permit the operation
24 thereof within this Commonwealth by any person under the age of
25 16 years unless the operator is the holder of a valid snowmobile
26 or ORV safety certificate or except as authorized by subsection
27 (a).

28 (d) Limitations on operation.--No person:

29 (1) Under the age of 16 years shall drive a snowmobile
30 or ORV across any highway or connecting street thereto.

(2) Under the age of ten years shall operate a snowmobile or an ORV without the knowledge and express consent of the landowner unless he is accompanied by a person over 18 years of age or a person over 14 years of age who holds a snowmobile or an ORV safety certificate.

§ 7726. Operation in safe manner.

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

(1) At a rate of speed that is unreasonable or improper under existing conditions.

(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 ORV shall knowingly authorize or permit the operation of the snowmobile or ORV 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.

§ 7727. Additional limitations on operation.

Except as otherwise permitted under the act of June 3, 1937 (P.L.1225, No.316), known as ["The Game Law,"] The Game Law, no person shall:

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

(2) Drive or pursue any wildlife with a snowmobile or an ORV.

§ 7728. Accidents and accident reports.

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

13 (b) Report of accident to department.--The operator of any
14 snowmobile or ORV involved in any accident resulting in injuries
15 to or death of any person or resulting in property damage to the
16 estimated amount of \$100 or more shall, within seven days after
17 such accident, report the matter in writing to the department.
18 If the operator is physically incapable of making the report and
19 there is another participant in the accident not so
20 incapacitated, the participant shall make the report within the
21 prescribed period of time after the accident. In the event that
22 there is no other participant and the operator is other than the
23 owner, then the owner shall within the prescribed period of
24 time, after learning of the facts of such accident, report the
25 matter to the department, together with such information as may
26 have come to his knowledge relating to such accident. Every
27 operator or owner of a snowmobile or an ORV in an accident, or
28 surviving participant of any such accident, shall make such
29 other and additional reports as the department shall require.

30 (c) Report by law enforcement officer.--A law enforcement

1 officer who investigates or receives information of an accident
2 involving a snowmobile or an ORV shall make a written report of
3 the investigation or information received, and such additional
4 facts relating to the accident as may come to his knowledge, and
5 mail the same within 48 hours to the department and keep a
6 record thereof in his office.

7 (d) Exception.--This section does not apply when property
8 damage is sustained in sanctioned snowmobile or ORV races,
9 derbies and rallies.

10 § 7729. Liability of owner for negligence.

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

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

23 § 7741. Head lamps and tail lamps.

24 (a) Time of operation.--Every snowmobile or ORV operated
25 during hours of darkness shall display a lighted head lamp and
26 tail lamp. The lights shall be in operation during the period of
27 from one-half hour after sunset to one-half hour before sunrise
28 and at any time when, due to insufficient light or unfavorable
29 atmospheric conditions caused by fog or otherwise, other
30 persons, vehicles and other objects are not clearly discernible

1 for a distance of 500 feet ahead.

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

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

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

16 (c) Tail lamp requirements.--The tail lamp shall display a
17 red light plainly visible during darkness from a distance of 500
18 feet. The tail lamp on an ORV shall be of a type which activates
19 or illuminates more brightly when the brakes are applied.

20 § 7742. Brakes.

21 (a) Snowmobiles.--It is unlawful to operate a snowmobile
22 which is not equipped with at least one brake of a design
23 approved by the department operated either by hand or by foot,
24 capable of bringing the snowmobile to a stop, under normal
25 conditions, within 40 feet when traveling at a speed of 20 miles
26 per hour with a 150 pound driver and on hard packed snow, or
27 locking its traction belt or belts. The design shall permit
28 simple and easy adjustment to compensate for wear.

29 (b) ORVS.--It is unlawful to operate an ORV which is not
30 equipped with a braking system which may be operated by hand or

1 foot, capable of producing deceleration of 14 feet per second on
2 level ground at a speed of 20 miles per hour, and the design
3 must permit simple and easy adjustment to compensate for wear.

4 § 7743. Mufflers and noise control.

5 (a) General rule.--It is unlawful to operate a snowmobile or
6 an ORV which is not equipped at all times with a muffler in good
7 working order which blends the exhaust noise into the overall
8 snowmobile or ORV noise and is in constant operation to prevent
9 excessive or unusual noise. The exhaust system shall not emit or
10 produce a sharp popping or crackling sound. The sound intensity
11 produced by a snowmobile shall not exceed 82dbA when measured in
12 accordance with SAE Recommended Practice J 192 Exterior Sound
13 Level for Snowmobiles, as amended. The department may by
14 regulation adopt more stringent noise requirements for
15 snowmobiles. The department shall by regulation adopt noise
16 requirements for various types of ORVs.

17 (b) Modified mufflers prohibited.--It is unlawful to modify
18 a muffler or to operate a snowmobile or an ORV with a modified
19 muffler.

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

22 § 7751. Enforcement personnel and procedures.

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

26 (b) Forms and procedures.--The department may prescribe the
27 form of summons or complaint, or both, in all cases involving a
28 violation of any provision of this chapter or of any ordinance,
29 rule or regulation relating to snowmobiles or ORVs, or of any
30 class or category of such cases, and may establish procedures

1 for proper administrative controls over the disposition thereof.

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

7 (d) Rules and regulations.--The department may promulgate
8 such rules and regulations as may be deemed necessary to
9 accomplish the purposes and enforce the provisions of this
10 section including requirements for reporting by trial courts
11 having jurisdiction over snowmobile and ORV violations.

12 § 7752. Penalties for violation of chapter.

13 (a) General rule.--Except as provided in subsection (b), any
14 person violating any of the provisions of this chapter is guilty
15 of a summary offense and shall, upon conviction:

16 (1) For a first offense, be sentenced to pay a fine of
17 not less than \$10 nor more than \$50 and costs of prosecution
18 and, in default of the payment thereof, shall undergo
19 imprisonment for not more than ten days.

20 (2) For a second offense, be sentenced to pay a fine of
21 not less than \$25 nor more than \$100 and costs of prosecution
22 and, in default of the payment thereof, shall undergo
23 imprisonment for not more than 30 days.

24 (b) Unauthorized disposition of forms.--Any person who
25 disposes of any [uniform snowmobile] summons or complaint issued
26 pursuant to this chapter in any other manner than that
27 prescribed by law, rule or regulation is guilty of a misdemeanor
28 of the third degree.

29 Section 3. Enforcement of registration of ORVs and ORV
30 dealers shall commence six months after the effective date of

1 this act.

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