

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 154 Session of  
2001

INTRODUCED BY PHILLIPS, ROSS, FORCIER, SAYLOR, BARD, FAIRCHILD,  
GEIST, HESS, LEH, MAHER, MARKOSEK, MARSICO, McCALL, MCGILL,  
PIPPY, STAIRS AND WATSON, JANUARY 29, 2001

AS RE-REPORTED FROM COMMITTEE ON RULES, HOUSE OF  
REPRESENTATIVES, AS AMENDED, FEBRUARY 12, 2001

## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, adding definitions; FURTHER PROVIDING FOR PENALTIES <—  
3 FOR PERSONS WHO VIOLATE PEDESTRIAN RIGHT-OF-WAY IN  
4 CROSSWALKS; providing for maintenance of certain pedestrian  
5 crosswalks and for enforcement of summary offenses in State  
6 park and forest lands; and further providing for snowmobiles  
7 and all-terrain vehicles.

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

10 Section 1. Section 102 of Title 75 of the Pennsylvania  
11 Consolidated Statutes is amended by adding definitions to read:

12 § 102. Definitions.

13 Subject to additional definitions contained in subsequent  
14 provisions of this title which are applicable to specific  
15 provisions of this title, the following words and phrases when  
16 used in this title shall have, unless the context clearly  
17 indicates otherwise, the meanings given to them in this section:

18 \* \* \*

19 "Transfer." To change ownership by purchase, gift or any

1 other means.

2 "Transferee." A person to whom ownership of a motor vehicle  
3 is transferred, by purchase, gift or any means other than by the  
4 creation of a security interest, and any person who, as agent,  
5 signs an odometer disclosure statement for the transferee.

6 "Transferor." A person who transfers his ownership of a  
7 motor vehicle by sale, gift or any means other than by the  
8 creation of a security interest, and any person who, as agent,  
9 signs an odometer disclosure statement for the transferor.

10 \* \* \*

11 SECTION 2. SECTIONS 3113 AND 3542 OF TITLE 75 ARE AMENDED TO <—  
12 READ:

13 § 3113. PEDESTRIAN-CONTROL SIGNALS.

14 (A) GENERAL RULE.--WHENEVER SPECIAL PEDESTRIAN-CONTROL  
15 SIGNALS EXHIBITING WORDS OR SYMBOLS ARE IN PLACE, THE SIGNALS  
16 SHALL INDICATE AS FOLLOWS:

17 (1) WORD "WALK" OR WALKING PERSON SYMBOL.--PEDESTRIANS  
18 FACING THE SIGNAL SHOULD PROCEED ACROSS THE ROADWAY IN THE  
19 DIRECTION OF THE SIGNAL AND SHALL BE GIVEN THE RIGHT-OF-WAY  
20 BY THE DRIVERS OF ALL VEHICLES.

21 (2) PHRASE "DON'T WALK" OR UPRaised HAND SYMBOL.--  
22 PEDESTRIANS SHOULD NOT START TO CROSS THE ROADWAY IN THE  
23 DIRECTION OF THE SIGNAL, BUT ANY PEDESTRIAN WHO HAS PARTIALLY  
24 COMPLETED HIS CROSSING ON THE "WALK" SIGNAL SHOULD PROCEED TO  
25 A SIDEWALK OR SAFETY ZONE WHILE THE "DON'T WALK" SIGNAL IS  
26 SHOWING.

27 (3) FLASHING "WALK".--PEDESTRIANS FACING THE SIGNAL ARE  
28 CAUTIONED THAT THERE IS POSSIBLE HAZARD FROM TURNING  
29 VEHICLES, BUT PEDESTRIANS MAY PROCEED ACROSS THE ROADWAY IN  
30 THE DIRECTION OF THE SIGNAL AND SHALL BE GIVEN THE RIGHT-OF-

1 WAY BY THE DRIVERS OF ALL VEHICLES.

2 (4) FLASHING "DON'T WALK" SIGNAL.--PEDESTRIANS SHOULD  
3 NOT START TO CROSS THE ROADWAY IN THE DIRECTION OF THE  
4 SIGNAL, BUT ANY PEDESTRIAN WHO HAS PARTLY COMPLETED CROSSING  
5 DURING THE "WALK" SIGNAL SHOULD PROCEED TO A SIDEWALK OR  
6 SAFETY ZONE, AND ALL DRIVERS OF VEHICLES SHALL YIELD TO THE  
7 PEDESTRIAN.

8 (B) LOCAL REGULATION.--THIS SECTION DOES NOT PROHIBIT A  
9 MUNICIPALITY FROM ESTABLISHING A SUMMARY OFFENSE FOR VIOLATION  
10 OF SUBSECTION (A)(2) OR (4).

11 (C) PENALTIES.--THE DRIVER OF A VEHICLE WHO VIOLATES  
12 SUBSECTION (A) COMMITS A SUMMARY OFFENSE AND, UPON CONVICTION,  
13 SHALL BE SENTENCED TO PAY A FINE OF \$100.

14 § 3542. RIGHT-OF-WAY OF PEDESTRIANS IN CROSSWALKS.

15 (A) GENERAL RULE.--WHEN TRAFFIC-CONTROL SIGNALS ARE NOT IN  
16 PLACE OR NOT IN OPERATION, THE DRIVER OF A VEHICLE SHALL YIELD  
17 THE RIGHT-OF-WAY TO A PEDESTRIAN CROSSING THE ROADWAY WITHIN ANY  
18 MARKED CROSSWALK OR WITHIN ANY UNMARKED CROSSWALK AT AN  
19 INTERSECTION.

20 (B) EXERCISE OF CARE BY PEDESTRIAN.--NO PEDESTRIAN SHALL  
21 SUDDENLY LEAVE A CURB OR OTHER PLACE OF SAFETY AND WALK OR RUN  
22 INTO THE PATH OF A VEHICLE WHICH IS SO CLOSE AS TO CONSTITUTE A  
23 HAZARD.

24 (C) LIMITATION ON VEHICLES PASSING.--WHENEVER ANY VEHICLE IS  
25 STOPPED AT ANY CROSSWALK AT AN INTERSECTION OR AT ANY MARKED  
26 CROSSWALK TO PERMIT A PEDESTRIAN TO CROSS THE ROADWAY, THE  
27 DRIVER OF ANY OTHER VEHICLE APPROACHING FROM THE REAR SHALL NOT  
28 OVERTAKE AND PASS THE STOPPED VEHICLE.

29 (D) APPLICATION OF SECTION.--SUBSECTION (A) DOES NOT APPLY  
30 UNDER THE CONDITIONS STATED IN SECTION 3543(B) (RELATING TO

1 PEDESTRIANS CROSSING AT OTHER THAN CROSSWALKS).

2 (E) PENALTIES.--THE DRIVER OF A VEHICLE WHO VIOLATES  
3 SUBSECTION (A) COMMITS A SUMMARY OFFENSE AND SHALL, UPON  
4 CONVICTION, BE SENTENCED TO PAY A FINE OF \$100.

5 Section 2 3. Title 75 is amended by adding sections to read: <—

6 § 6129. Maintenance of pedestrian crosswalks in school zones.

7 The department may paint and maintain pedestrian crosswalks  
8 located within school zones on State-designated highways.

9 § 6313. Enforcement of summary offenses in State park and  
10 forest lands.

11 (a) General rule.--Notwithstanding any provision of law to  
12 the contrary, individuals appointed and commissioned by the  
13 Department of Conservation and Natural Resources to preserve  
14 order in the State park or State forest lands are specifically  
15 authorized to enforce those provisions of this title which  
16 designate violations as summary offenses, while acting within  
17 the State park or State forest lands. The authority includes the  
18 power to stop vehicles suspected of summary offenses, to issue  
19 citations for summary offenses and, if a vehicle is stopped for  
20 a suspected summary offense, to make arrests where evidence  
21 appears of additional offenses designated as misdemeanors or  
22 felonies.

23 (b) Construction.--Nothing in this section shall be  
24 construed to limit the powers granted these individuals by law.

25 ~~Section 3. Sections 7702, 7706, 7712, 7712.1, 7712.2,~~ <—  
26 ~~7712.3, 7712.5, 7712.6, 7712.7, 7713, 7714, 7715(a), 7717,~~  
27 ~~7724(a)(1), 7725(h), 7726, 7730 and 7752(a) and (d) of Title 75~~  
28 ~~are amended to read:~~

29 ~~§ 7702. Definitions.~~

30 ~~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."

(1) A motorized off highway vehicle, 50 inches or less in width, having a dry weight of [600] 750 pounds or less, traveling on three or more low pressure tires and having a seat designed to be straddled by the operator is designated as a Class I all terrain vehicle.

(2) A motorized off highway vehicle, 58 inches or less in width, having a dry weight of [700] 1,200 pounds or less, traveling on four or more [low profile, low pressure] inflatable tires and having a bench seat is designated as a Class II all terrain vehicle.

(3) 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 off road vehicles not generally used for outdoor recreation.

"Certificate of registration." A card issued by the Department of Conservation and Natural Resources to the owner of a snowmobile or ATV evidencing registration of the snowmobile or ATV and containing such information as the department may prescribe.

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

"Dealer." A person engaged in the business of selling snowmobiles or all terrain vehicles at wholesale or retail.

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

~~"Expiration sticker." The sticker issued by the department to the owner of a snowmobile or ATV upon initial registration and upon each renewal, showing the expiration date of the current registration.~~

~~"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.~~

~~"Low pressure tire." A pneumatic tire, six inches or more in width, designed for use on wheels with a rim diameter of 12 inches or less and utilizing an operating pressure of ten pounds per square inch or less, as recommended by the vehicle manufacturer.~~

~~"Registration decal" or "decal." The registration number decal issued by the Department of Conservation and Natural Resources to the owner of a snowmobile upon initial registration of the snowmobile. The term includes the expiration sticker.~~

~~"Registration plate." The registration number plate issued by the department to the owner of an ATV upon initial registration of the vehicle. The term includes the expiration sticker.~~

~~"Snowmobile." An engine driven vehicle [of a type which utilizes sled type runners, or skis, or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated] designed to travel over snow or ice that has an endless belt track or tracks, steered by a ski or skis and has an overall width of 48 inches or less. The~~

~~term does not include any farm tractor, [highway or other]  
construction equipment, [or any] military [or law enforcement]  
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.~~

~~§ 7706. Restricted [receipts fund] account.~~

~~(a) Deposit and use of moneys. The department shall deposit  
all moneys received from the registration [of snowmobiles and  
the registration] and issuance of certificates of title for  
snowmobiles and ATV's, the sale of snowmobile and ATV  
registration information, snowmobile and ATV publications and  
other services provided by the department, and all fees [and],  
fines, penalties and costs assessed and collected as a result of  
enforcement activities conducted by the department law  
enforcement personnel under this chapter in a restricted  
[receipts fund] account, from which the department shall draw  
moneys for use in [carrying out the registration and the  
issuance of certificates of title, safety education and  
enforcement requirements of this chapter as well as] performing  
any activities necessary to carry out the purposes of this  
chapter, including registration and certificate of title  
activities, safety education, enforcement activities, the  
establishment, construction and maintenance of snowmobile and  
ATV trails and any equipment and supplies necessary to carry out  
the purposes of this chapter. All moneys in [said fund not  
heretofore paid into the General Fund] the restricted account  
shall remain in [said restricted receipts fund] the restricted~~

~~account to be used as specified in this [chapter and any increases in moneys previously paid to the General Fund shall remain in said restricted receipts fund to be used as specified in this chapter.] section. 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 also, upon written application and subsequent approval, [disperse] disburse moneys to municipalities, nonprofit [snowmobile clubs] and for profit organizations for construction, maintenance and rehabilitation of snowmobile or ATV trails or any other facilities on lands not owned by the Commonwealth for the use of snowmobiles or ATV's, including [plans]:~~

~~(1) Plans and specifications, engineering surveys and supervision and land acquisition where necessary.~~

~~(2) Fees and costs for preparation or performance of right of way lease agreements.~~

~~(3) Education.~~

~~(4) Safety training and equipment.~~

~~(5) Any other activities to carry out the purposes of this chapter.~~

~~The department shall promulgate such rules and regulations it deems necessary for the administration of this subsection.~~

~~(c) Audit of moneys. The restricted receipts fund shall be audited every two years.~~

~~§ 7712. Registration of snowmobiles and registration and~~



1           ~~issuance of certificates of title for ATV's.~~

2       ~~(a) General rule. Upon application therefor upon a form~~  
3 ~~prescribed and furnished by the department which shall contain a~~  
4 ~~full description of the snowmobile or ATV, the actual and bona~~  
5 ~~fide name and address of the owner, proof of ownership and any~~  
6 ~~other information the department may reasonably require, and~~  
7 ~~which shall be accompanied by the required fee, the department~~  
8 ~~shall issue a certificate of registration of a snowmobile or an~~  
9 ~~ATV [and a decal showing the expiration date] to the owner. In~~  
10 ~~addition, for a new registration of a snowmobile, the department~~  
11 ~~shall issue a registration decal; for a new registration of an~~  
12 ~~ATV, the department shall issue a registration plate; and for a~~  
13 ~~renewal of registration of a snowmobile or ATV, the department~~  
14 ~~shall issue an expiration sticker.~~

15       ~~(b) Temporary registration. Temporary registration for a~~  
16 ~~period not to exceed 45 days may be issued by a registered~~  
17 ~~dealer [pursuant to rules and regulations promulgated] as~~  
18 ~~prescribed by the department. Proof of temporary registration~~  
19 ~~shall be carried and displayed as prescribed by the department.~~

20       ~~(c) Fees. Fees for [registration of snowmobiles and]~~  
21 ~~registration and issuance of certificates of title for~~  
22 ~~snowmobiles and ATV's to be collected by the department under~~  
23 ~~this chapter are as follows:~~

24           ~~(1) Each individual resident registration for two years,~~  
25 ~~\$20 for a snowmobile and \$20 for an ATV.~~

26           ~~(2) Each individual nonresident registration for two~~  
27 ~~years, \$20 for a snowmobile and \$20 for an ATV.~~

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

29           ~~(4) Replacement of a lost, mutilated or destroyed~~  
30 ~~certificate [or decal] of registration, registration decal or~~

~~registration plate, \$1.~~

~~(5) Transfers of snowmobile and ATV registrations as described in section 7713 (relating to certificates of registration [and decals], registration decals and registration plates), \$3.~~

~~(6) Certificate of title for [an] a snowmobile or ATV, \$15.~~

~~(d) Exemptions from fees. No fee is required for the registration of snowmobiles or ATV's owned by:~~

~~(1) The Commonwealth.~~

~~(2) Political subdivisions.~~

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

~~§ 7712.1. Certificate of title for [ATV's] snowmobile or ATV required.~~

~~(a) General rule. Except as otherwise provided in this section, every owner of a [Class I or Class II] snowmobile or ATV which is in this Commonwealth and for which no certificate of title has been issued shall make application to the department for a certificate of title to the snowmobile or ATV.~~

~~(b) Exception. The provisions of this section which require every owner of [an] a snowmobile or ATV to make application for and receive a certificate of title shall not apply to any person who has registered [an] a snowmobile or ATV on or before the effective date of this section unless that owner resells the registered snowmobile or ATV.~~

~~(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 actual or bona fide~~

~~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 [an] a snowmobile or ATV or its entry into this Commonwealth from another jurisdiction, whichever is later. The application shall be accompanied by the fee prescribed in this subchapter, and any tax payable by the applicant under the laws of this Commonwealth in connection with the acquisition or use of [an] 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 some person specifically authorized by the corporation to sign the application.~~

~~(e) Snowmobiles and ATV's purchased from dealers or manufacturers. If the application refers to [an] a snowmobile or ATV purchased from a dealer or manufacturer, the dealer or manufacturer shall mail or deliver to the department the certificate of title and any other required forms within 15 days of the date of purchase. Any dealer or manufacturer violating this subsection is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50 for each violation. In addition, if a dealer violates this section, the department may suspend or revoke the registration issued under section 7711 (relating to registration of dealers). The~~

~~requirement that the dealer or manufacturer mail or deliver the application to the department does not apply to snowmobiles or ATV's purchased by governmental agencies.~~

~~(f) Snowmobiles and ATV's not requiring certificate of title. No certificate of title is required for:~~

~~(1) [An] A snowmobile or ATV owned by the United States unless it is registered in this Commonwealth.~~

~~(2) A new snowmobile or ATV owned by a manufacturer or registered dealer before and until sale.~~

~~(3) Any snowmobile or ATV which meets the requirements of subsection (b) prior to any resale.~~

~~(g) Registration without certificate prohibited. Except as provided in subsection (b), the department shall not register or renew the registration of [an] 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 when it has reasonable grounds to believe any of the following:~~

~~(1) That any required fee has not been paid.~~

~~(2) That 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) That the applicant is not the owner of the snowmobile or ATV.~~

~~(4) That the application contains a false or fraudulent statement.~~

~~(5) That the applicant has failed to furnish required~~

~~information or documents or any additional information the department reasonably requires.~~

~~[(i) Suspension and cancellation of certificate of title.—~~

~~(1) The department may cancel the certificate of title issued for a new ATV when it is shown by satisfactory evidence that the ATV has been returned within 45 days to the manufacturer or dealer from whom obtained.~~

~~(2) The department, upon receipt of certification from the clerk of any court showing conviction for a misstatement of facts on any application for a certificate of title or any transfer of a certificate of title, shall suspend the certificate of title and require that the certificate be returned immediately to the department, whereupon the department may cancel the certificate.~~

~~(3) The department may suspend 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.]~~

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

~~(1) In the event of the sale or transfer of the ownership of [an] a snowmobile or ATV within this Commonwealth, the owner shall execute an assignment and warranty of title to the transferee in the space provided on the certificate or as the department prescribes, sworn to before a notary public or 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 7712.2~~

~~(relating to transfer to or from manufacturer or dealer), the~~

1     ~~transferee shall, within 15 days of the assignment or~~  
2     ~~reassignment of the certificate of title, apply for a new~~  
3     ~~title by presenting to the department the properly completed~~  
4     ~~certificate of title, sworn to before a notary public or~~  
5     ~~other officer empowered to administer oaths, and accompanied~~  
6     ~~by such forms as the department may require.~~

7             ~~(3) Any person violating subsection (a) shall be guilty~~  
8     ~~of a summary offense and shall, upon conviction, be~~  
9     ~~sentenced:~~

10            ~~(i) For a first offense, to pay a fine of \$100.~~

11            ~~(ii) For a subsequent offense, to pay a fine of not~~  
12     ~~less than \$300 nor more than \$1,000.~~

13     ~~§ 7712.2. Transfer to or from manufacturer or dealer.~~

14     ~~(a) Transfer to manufacturer or dealer. When the purchaser~~  
15     ~~or transferee of [an] a snowmobile or ATV is a manufacturer or~~  
16     ~~registered dealer who holds the snowmobile or ATV for resale, a~~  
17     ~~certificate of title need not be applied for as provided for in~~  
18     ~~section 7712.1 (relating to certificate of title for [ATV's]~~  
19     ~~snowmobile or ATV required), but the transferee shall, within~~  
20     ~~seven days from the date of assignment of the certificate of~~  
21     ~~title to the manufacturer or dealer, forward to the department,~~  
22     ~~upon a form prescribed and furnished by the department,~~  
23     ~~notification of the acquisition of the snowmobile or ATV.~~  
24     ~~Notification as authorized in this section may not be used in~~  
25     ~~excess of three consecutive transactions after which time an~~  
26     ~~application shall be made for a certificate of title.~~

27     ~~(b) Execution and display of notice of transfer. The~~  
28     ~~manufacturer or dealer making notification as to any snowmobile~~  
29     ~~or ATV acquired pursuant to subsection (a) shall execute at~~  
30     ~~least three copies, the original of which shall be forwarded to~~

1 ~~the department, one copy to accompany the snowmobile or ATV on~~  
2 ~~any subsequent transfer and one copy to be retained by the~~  
3 ~~manufacturer or dealer for at least one year after a subsequent~~  
4 ~~transfer, to be exhibited, with the assigned certificate of~~  
5 ~~title, upon request of any police officer or authorized~~  
6 ~~department employee.~~

7 ~~(c) Transfer from manufacturer or dealer. Except as~~  
8 ~~otherwise provided in this section when the transferee is~~  
9 ~~another manufacturer or dealer:~~

10 ~~(1) The manufacturer or dealer, upon transferring their~~  
11 ~~interest in the snowmobile or ATV, shall execute an~~  
12 ~~assignment and warranty of title to the transferee in the~~  
13 ~~space provided on the certificate or as the department~~  
14 ~~prescribes.~~

15 ~~(2) The transferee shall complete the application for~~  
16 ~~certificate of title in the name of the transferee.~~

17 ~~(3) The manufacturer or dealer shall forward the~~  
18 ~~certificate of title and any other required forms to the~~  
19 ~~department within 15 days of the transfer.~~

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

24 ~~(e) Penalty. Any manufacturer or dealer violating any of~~  
25 ~~the provisions of this section is guilty of a summary offense~~  
26 ~~and shall, upon conviction, be sentenced to pay a fine of \$50~~  
27 ~~for each violation. In addition, if a dealer violates this~~  
28 ~~section, the department may suspend or revoke the registration~~  
29 ~~issued under section 7711 (relating to registration of dealers).~~  
30 ~~§ 7712.3. Transfer of snowmobile or ATV by operation of law.~~

1       ~~(a) General rule. If the interest of an owner in [an] a~~  
2 ~~snowmobile or ATV passes to another other than by voluntary~~  
3 ~~transfer, the transferee shall, except as otherwise provided,~~  
4 ~~promptly mail or deliver to the department the last certificate~~  
5 ~~of title, if available, and shall apply for a new certificate of~~  
6 ~~title on a form prescribed and furnished by the department. The~~  
7 ~~application shall be accompanied by such instruments or~~  
8 ~~documents of authority, or certified copies thereof, as may be~~  
9 ~~sufficient or required by law to evidence or effect a transfer~~  
10 ~~of title or interest in or to chattels in such case.~~

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

18       ~~(c) Surrender of certificate. A person holding a~~  
19 ~~certificate of title, whose interest in [an] a snowmobile or ATV~~  
20 ~~has been extinguished or transferred other than by voluntary~~  
21 ~~transfer, shall immediately surrender the certificate of title~~  
22 ~~to the person to whom the right to possession of the snowmobile~~  
23 ~~or ATV has passed. Upon request of the department, such person~~  
24 ~~shall mail or deliver the certificate to the department.~~  
25 ~~Delivery of the certificate pursuant to the request of the~~  
26 ~~department does not affect the rights of the person surrendering~~  
27 ~~the certificate.~~

28       ~~§ 7712.5. Issuance of new certificate following transfer.~~

29       ~~(a) Voluntary transfer. The department, upon receipt of a~~  
30 ~~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 lienholder 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 proper 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 every 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 when it is shown by satisfactory evidence that the snowmobile or ATV has been returned within the time specified in the department regulations to the manufacturer or dealer from whom obtained.~~

~~(b) Snowmobiles or ATV's sold to nonresidents. The department may cancel certificates of title for snowmobiles or ATV's sold to residents of other states or foreign countries when 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. When 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 in order 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 any court showing conviction for a misstatement of facts on any application for an original or duplicate certificate of title or any transfer of a certificate of title, shall suspend the certificate of title and require that the certificate be returned immediately to the department, whereupon the department may cancel the certificate.~~

~~(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 certificates of title which have been suspended or canceled. The owner or person in possession of the certification of title shall immediately mail or deliver the certificate to~~

1 ~~the department.~~

2 ~~§ 7712.7. Application for certificate of title by agent.~~

3 ~~(a) Authorization to make application. No person shall make~~  
4 ~~application for a certificate of title when acting for another~~  
5 ~~person unless authorization to make the application is in effect~~  
6 ~~and is verified by oath or affirmation of the other person,~~  
7 ~~made, excepting as between lessors and fleet owners as lessees,~~  
8 ~~not more than 15 days before the application is received by the~~  
9 ~~department. Lessors may authorize fleet owners to make~~  
10 ~~application for certificates of title for leased snowmobiles or~~  
11 ~~ATV's for periods of up to one year.~~

12 ~~(b) Certificate not to be assigned in blank. No person~~  
13 ~~shall make application for, or assign or physically possess, a~~  
14 ~~certificate of title, or direct or allow another person in his~~  
15 ~~employ or control to make application for, or assign or~~  
16 ~~physically possess, a certificate of title, unless the name of~~  
17 ~~the transferee is placed on the assignment of certificate of~~  
18 ~~title simultaneously with the name of the transferor and duly~~  
19 ~~notarized.~~

20 ~~(c) Persons authorized to hold certificate. No person shall~~  
21 ~~receive, obtain or hold a certificate of title recorded in the~~  
22 ~~name of another person for the other person who is not in the~~  
23 ~~regular employ of, or not a member of the family of, the other~~  
24 ~~person, unless the person receiving, obtaining or holding the~~  
25 ~~certificate of title has a valid undischarged lien recorded in~~  
26 ~~the department against the snowmobile or ATV represented by the~~  
27 ~~certificate of title.~~

28 ~~(d) Penalty. Any person violating any of the provisions of~~  
29 ~~this section is guilty of a summary offense and shall, upon~~  
30 ~~conviction, be sentenced to pay a fine of \$100.~~

~~§ 7713. Certificates of registration [and decals], registration  
decals and registration plates.~~

~~[(a) General rule. Except as otherwise provided in this  
chapter, it is unlawful to operate a snowmobile or an ATV unless  
a certificate of registration has been issued therefor and  
unless there is displayed thereon the permanent or temporary  
registration decal.]~~

~~(a) General rule. Except as otherwise provided in this  
chapter, it is unlawful to operate, or knowingly permit to be  
operated, a snowmobile or an ATV for recreational purposes or  
for any activities other than farming or business operations  
unless:~~

~~(1) A certificate of registration has been issued  
therefor.~~

~~(2) There is displayed on the snowmobile the  
registration decal or there is displayed on the ATV the  
registration plate.~~

~~(3) There is carried on the snowmobile or ATV the  
certificate of registration.~~

~~(4) For a snowmobile or ATV with temporary registration  
under section 7712(b) (relating to registration of  
snowmobiles and registration and issuance of certificates of  
title for ATV's) there is carried and displayed proof of  
temporary registration as prescribed by the department.~~

~~(b) Snowmobiles or ATV's purchased from dealers or  
manufacturers. If a snowmobile or ATV is purchased from a  
dealer or manufacturer, the dealer or manufacturer shall mail or  
deliver to the department the application for the certificate of  
registration and any other required forms within 15 days of the  
date of purchase. Individuals seeking exemption under section~~

~~7714 (relating to exemptions from registration) shall sign an affidavit which will be submitted to the department in lieu of the application for [certification] the certificate of registration. Any dealer or manufacturer violating the requirements of this subsection commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300 or 90 days imprisonment, or both. In addition, if a dealer violates this subsection, the department may suspend or revoke the registration issued under section 7711 (relating to registration of dealers).~~

~~(c) Display of registration decal. [The department shall issue registration decals no larger than 3 1/2 by 6 inches that shall be displayed on both sides of the cowling of the snowmobile for which issued.] The department shall [by regulation] prescribe the type of registration decals and registration plates and the manner in which [the registration decals] they shall be displayed on various types of snowmobiles and ATV's.~~

~~(d) Expiration on transfer. The certificate of registration issued to the owner of a snowmobile or an ATV shall expire and the registration decal and registration plate shall become invalid when ownership of the snowmobile or ATV is transferred. Upon any transfer, the seller (and former owner) shall, within 15 days from the date of sale, return to the department the certificate of registration previously issued to him with the date of sale, name and residence of the new owner endorsed on the back. If the former owner applies for registration of a different snowmobile or ATV and pays a transfer fee, he may be issued, in his name, a certificate of registration for that snowmobile or ATV for the remainder of the registration period~~

1 ~~without payment of a registration fee.~~

2 ~~(c) Suspension or revocation. The department may suspend or~~  
3 ~~revoke the [certification] certificate of registration for a~~  
4 ~~snowmobile or an ATV upon conviction of the owner of any offense~~  
5 ~~under this chapter.~~

6 ~~§ 7714. Exemptions from registration.~~

7 ~~No certificate of registration [or], registration decal or~~  
8 ~~registration plate shall be required for a snowmobile or an ATV:~~

9 ~~(1) Owned and used by the United States or another~~  
10 ~~state, or a political subdivision thereof, but such~~  
11 ~~snowmobile [shall display the name of the owner on the~~  
12 ~~cowling thereof, and such] or ATV shall display the name of~~  
13 ~~the owner in a manner prescribed by [regulation of] the~~  
14 ~~department.~~

15 ~~(2) [Owned and operated on lands owned by the owner or~~  
16 ~~operator of the snowmobile or ATV or on lands to which he has~~  
17 ~~a contractual right other than as a member of a club or~~  
18 ~~association, provided the snowmobile or ATV is not operated~~  
19 ~~elsewhere within this Commonwealth.] That will be used solely~~  
20 ~~for farming or business purposes and not at any time for~~  
21 ~~recreation.~~

22 ~~§ 7715. Reciprocity.~~

23 ~~(a) General rule. Nonresident owners of a snowmobile or an~~  
24 ~~ATV covered by a valid registration of the state, province,~~  
25 ~~district or country of residence are required to pay a~~  
26 ~~registration fee and to display a current [validation decal]~~  
27 ~~expiration sticker.~~

28 ~~\* \* \*~~

29 ~~§ 7717. [Snowmobile] Trail Advisory [Committee] Committees.~~

30 ~~(a) Establishment. There is hereby established under the~~

1 ~~jurisdiction of the department [a board known as] the following~~  
2 ~~boards:~~

3 ~~(1) The Snowmobile Trail Advisory Committee.~~

4 ~~(2) The ATV Trail Advisory Committee.~~

5 ~~(b) Composition. [The Snowmobile Trail Advisory Committee~~  
6 ~~shall be appointed within three months of the effective date of~~  
7 ~~this section and biannually thereafter. The membership shall be~~  
8 ~~composed of three members from the Pennsylvania State Snowmobile~~  
9 ~~Association, one of whom shall have experience in trail creation~~  
10 ~~on public land, one of whom shall have experience in trail~~  
11 ~~creation on private land and one of whom shall be a member at~~  
12 ~~large. In addition, one member shall be appointed from each of~~  
13 ~~the following organizations: Pennsylvania Travel Council,~~  
14 ~~Pennsylvania State Association of Township Supervisors,~~  
15 ~~Pennsylvania State Association of Township Commissioners,~~  
16 ~~Pennsylvania State Association of Boroughs, Pennsylvania State~~  
17 ~~Association of County Commissioners, Pennsylvania Association of~~  
18 ~~Realtors, Pennsylvania Landowners Association, Pennsylvania~~  
19 ~~Vacation Land Developers Association, Pennsylvania Chapter of~~  
20 ~~Rails to Trails Conservancy, Department of Commerce and~~  
21 ~~Department of Community Affairs. The name of the representatives~~  
22 ~~shall be submitted to the secretary within ten days of the~~  
23 ~~receipt of the request for them.] Committee members shall be~~  
24 ~~appointed by the secretary to serve staggered three year terms.~~  
25 ~~Members of the Snowmobile Trail Advisory Committee shall~~  
26 ~~represent the various interests associated with acquisition,~~  
27 ~~development, maintenance and use of snowmobile trails. Members~~  
28 ~~of the ATV Trail Advisory Committee shall represent the various~~  
29 ~~interests associated with acquisition, development, maintenance~~  
30 ~~and use of ATV trails.~~

~~(c) Responsibilities. The [committee] Snowmobile Trail  
Advisory Committee shall review existing and proposed  
regulations, standards and procedures for all snowmobile trail  
acquisition, construction, development and maintenance. [The  
committee] It may also make recommendations on snowmobile trail  
sites, trail site acquisition and the allocation of fees  
collected pursuant to this chapter regarding acquisition,  
construction and maintenance of trails for snowmobile use. The  
ATV Trail Advisory Committee shall have the same  
responsibilities with regard to ATV trails.~~

~~(d) Advisory committee actions. The recommendations of the  
advisory [committee] committees shall be submitted to the  
secretary who shall give due consideration to them.~~

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

~~(a) Private real property.—~~

~~(1) No person shall operate a snowmobile or an ATV on  
any private real property without the consent of the owner or  
lessor thereof. Any person operating a snowmobile or an ATV  
upon [lands] land 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.~~

~~\* \* \*~~

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

~~\* \* \*~~

~~(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.~~

~~\* \* \*~~

~~§ 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~~

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

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

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

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

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

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

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

1       ~~allowed through rules and regulations.~~

2       ~~(d) Unsafe carrying of passengers. No person shall operate~~  
3 ~~an ATV with a passenger unless the ATV is designed to carry a~~  
4 ~~passenger. A person violating this subsection commits a summary~~  
5 ~~offense and shall, upon conviction, be sentenced to pay a fine~~  
6 ~~of \$100.~~

7       ~~§ 7730. Liability insurance.~~

8       ~~(a) Requirement. Any snowmobile or ATV required to be~~  
9 ~~registered pursuant to this chapter shall have liability~~  
10 ~~insurance coverage issued by an insurance carrier authorized to~~  
11 ~~do business in this Commonwealth.~~

12       ~~(b) Proof of insurance. Proof of insurance as required by~~  
13 ~~this section shall be produced and displayed by the owner or~~  
14 ~~operator of such snowmobile or ATV upon the request of any~~  
15 ~~magistrate or any person having authority to enforce the~~  
16 ~~provisions of this chapter or to any person who has suffered or~~  
17 ~~claims to have suffered either personal injury or property~~  
18 ~~damage as a result of the operation of such snowmobile or ATV.~~  
19 ~~It shall be an affirmative defense to any prosecution for a~~  
20 ~~violation of this section that such proof was so produced within~~  
21 ~~24 hours of receiving notice of such violation, injury or damage~~  
22 ~~or the claim of such injury or damage.~~

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

29       ~~§ 7752. Penalties for violation of chapter.~~

30       ~~(a) General rule. Except as provided in subsections (b)~~

~~{and (c)}, (c) and (d) and unless otherwise provided in this chapter, any person violating any of the provisions of this chapter is guilty of a summary offense and shall, upon conviction:~~

~~(1) For a first offense, be sentenced to pay a fine of not less than [\$25] \$50 nor more than [\$100] \$200 and costs of prosecution and, in default of the payment thereof, shall undergo imprisonment for not more than ten days.~~

~~(2) For a [second] subsequent offense, be sentenced to pay a fine of not less than [\$50] \$100 nor more than [\$200] \$300 and costs of prosecution and, in default of the payment thereof, shall undergo imprisonment for not more than 30 days.~~

~~\* \* \*~~

~~(d) Registration [and decals]. Any person violating section 7713(a) (relating to certificates of registration [and] registration decals and registration plates) by failing to obtain a certificate of registration commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300 or to 90 days imprisonment, or both. Proceedings for a summary offense under this section 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. Any person violating section 7713(a) by failing to properly display a registration [number or the validation] decal or registration plate or by failing to carry a certificate of registration commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50.~~

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

SECTION 4. SECTIONS 7702, 7706 AND 7711 OF TITLE 75 ARE

<—

1 AMENDED TO READ:

2 § 7702. DEFINITIONS.

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

6 "ALL-TERRAIN VEHICLE" OR "ATV."

7 [(1)] A MOTORIZED OFF-HIGHWAY VEHICLE[, ] THAT TRAVELS ON  
8 THREE OR MORE INFLATABLE TIRES AND THAT HAS:

9 (1) A MAXIMUM WIDTH OF 50 INCHES [OR LESS IN WIDTH,  
10 HAVING] AND A MAXIMUM DRY WEIGHT OF [600] 800 POUNDS [OR  
11 LESS, TRAVELING ON THREE OR MORE LOW-PRESSURE TIRES AND  
12 HAVING A SEAT DESIGNED TO BE STRADDLED BY THE OPERATOR IS  
13 DESIGNATED AS A CLASS I ALL-TERRAIN VEHICLE.]; OR

14 (2) [A MOTORIZED OFF-HIGHWAY VEHICLE, 58 INCHES OR LESS  
15 IN WIDTH, HAVING A DRY WEIGHT OF 700 POUNDS OR LESS,  
16 TRAVELING ON FOUR OR MORE LOW-PROFILE, LOW-PRESSURE TIRES AND  
17 HAVING A BENCH SEAT IS DESIGNATED AS A CLASS II ALL-TERRAIN  
18 VEHICLE.] A WIDTH THAT EXCEEDS 50 INCHES OR A DRY WEIGHT THAT  
19 EXCEEDS 800 POUNDS.

20 [(3)] ATV'S DESCRIBED IN PARAGRAPH (1) MAY BE REFERRED TO  
21 AS CLASS I ATV'S, AND ATV'S DESCRIBED IN PARAGRAPH (2) MAY BE  
22 REFERRED TO AS CLASS II ATV'S. THIS TERM DOES NOT INCLUDE  
23 SNOWMOBILES, TRAIL BIKES, MOTORBOATS, GOLF CARTS, AIRCRAFT,  
24 DUNE BUGGIES, AUTOMOBILES, CONSTRUCTION MACHINES, TRUCKS OR  
25 HOME UTILITY MACHINES; MILITARY, FIRE, EMERGENCY AND LAW  
26 ENFORCEMENT VEHICLES; IMPLEMENTS OF HUSBANDRY; MULTIPURPOSE  
27 AGRICULTURAL VEHICLES; VEHICLES USED BY THE DEPARTMENT; OR  
28 [OFF-ROAD VEHICLES NOT GENERALLY USED FOR OUTDOOR RECREATION]  
29 ANY VEHICLE THAT IS, OR IS REQUIRED TO BE, REGISTERED UNDER  
30 CHAPTER 13 (RELATING TO REGISTRATION OF VEHICLES). IN

1     ADDITION, THIS TERM DOES NOT INCLUDE OFF-ROAD MOTOR VEHICLES  
2     USED EXCLUSIVELY AS UTILITY VEHICLES FOR AGRICULTURAL OR  
3     BUSINESS OPERATIONS AND INCIDENTALLY OPERATED OR MOVED UPON  
4     THE HIGHWAY.

5     ["COWLING." THE FORWARD PORTION OF THE SNOWMOBILE, USUALLY  
6 OF FIBERGLASS OR SIMILAR MATERIAL, SURROUNDING THE MOTOR AND  
7 CLUTCH ASSEMBLY.]

8     "DEALER." A PERSON ENGAGED IN THE BUSINESS OF SELLING  
9 SNOWMOBILES OR ALL-TERRAIN VEHICLES AT WHOLESALE OR RETAIL WHO  
10 IS REGISTERED OR REQUIRED TO BE REGISTERED UNDER SECTION 7711  
11 (RELATING TO REGISTRATION OF DEALERS).

12     "DEPARTMENT." THE DEPARTMENT OF [ENVIRONMENTAL] CONSERVATION  
13 AND NATURAL RESOURCES OF THE COMMONWEALTH.

14     "HEAD LAMP." A MAJOR LIGHTING DEVICE USED TO PROVIDE GENERAL  
15 ILLUMINATION AHEAD OF A VEHICLE.

16     "HIGHWAY." THE ENTIRE WIDTH BETWEEN THE BOUNDARY LINES OF  
17 EVERY WAY PUBLICLY MAINTAINED WHEN ANY PART THEREOF IS OPEN TO  
18 THE USE OF THE PUBLIC FOR PURPOSES OF VEHICULAR TRAVEL.

19     ["LOW-PRESSURE TIRE." A PNEUMATIC TIRE, SIX INCHES OR MORE  
20 IN WIDTH, DESIGNED FOR USE ON WHEELS WITH A RIM DIAMETER OF 12  
21 INCHES OR LESS AND UTILIZING AN OPERATING PRESSURE OF TEN POUNDS  
22 PER SQUARE INCH OR LESS, AS RECOMMENDED BY THE VEHICLE  
23 MANUFACTURER.]

24     "SNOWMOBILE." AN ENGINE-DRIVEN VEHICLE [OF A TYPE WHICH  
25 UTILIZES SLED TYPE RUNNERS, OR SKIS, OR AN ENDLESS BELT TREAD OR  
26 ANY COMBINATION OF THESE OR OTHER SIMILAR MEANS OF CONTACT WITH  
27 THE SURFACE UPON WHICH IT IS OPERATED] DESIGNED TO TRAVEL OVER  
28 SNOW OR ICE THAT HAS AN ENDLESS BELT TRACK OR TRACKS, STEERED BY  
29 A SKI OR SKIS AND HAS AN OVERALL WIDTH OF 48 INCHES OR LESS. THE  
30 TERM DOES NOT INCLUDE ANY FARM TRACTOR, [HIGHWAY OR OTHER]

1 CONSTRUCTION EQUIPMENT, [OR ANY] MILITARY [OR LAW ENFORCEMENT]  
2 VEHICLE, VEHICLE WITH INFLATABLE TIRES OR MACHINERY USED  
3 STRICTLY FOR THE GROOMING OF SNOWMOBILE TRAILS.

4 "STREET." A HIGHWAY, OTHER THAN AN ALLEY, WITHIN THE  
5 CORPORATE LIMITS OF A POLITICAL SUBDIVISION.

6 "TAIL LAMP." A DEVICE TO DESIGNATE THE REAR OF A VEHICLE BY  
7 A WARNING LIGHT.

8 § 7706. RESTRICTED [RECEIPTS FUND] ACCOUNT.

9 (A) DEPOSIT AND USE OF MONEYS.--

10 (1) THE DEPARTMENT SHALL [DEPOSIT ALL MONEYS RECEIVED  
11 FROM THE REGISTRATION OF SNOWMOBILES AND THE REGISTRATION AND  
12 ISSUANCE OF CERTIFICATES OF TITLE FOR ATV'S, THE SALE OF  
13 SNOWMOBILE AND ATV REGISTRATION INFORMATION, SNOWMOBILE AND  
14 ATV PUBLICATIONS AND OTHER SERVICES PROVIDED BY THE  
15 DEPARTMENT, AND ALL FEES AND FINES ASSESSED AND COLLECTED  
16 UNDER THIS CHAPTER IN A RESTRICTED RECEIPTS FUND, FROM WHICH  
17 THE] DEPOSIT THE FOLLOWING INTO A RESTRICTED ACCOUNT, WHICH  
18 IS HEREBY ESTABLISHED:

19 (I) ALL MONEYS RECEIVED FROM THE REGISTRATION OF AND  
20 ISSUANCE OF CERTIFICATES OF TITLE FOR SNOWMOBILES AND  
21 ATV'S;

22 (II) ALL REVENUE FROM THE SALE OF ANY PUBLICATIONS  
23 OR SERVICES RELATING TO SNOWMOBILES AND ATV'S; AND

24 (III) ALL FINES, PENALTIES, FEES AND COSTS ASSESSED  
25 AND COLLECTED AS A RESULT OF ENFORCEMENT ACTIVITIES  
26 CONDUCTED BY THE DEPARTMENT'S LAW ENFORCEMENT PERSONNEL  
27 UNDER THIS CHAPTER.

28 (2) THE DEPARTMENT SHALL DRAW MONEYS FROM THE RESTRICTED  
29 ACCOUNT FOR USE IN [CARRYING OUT THE REGISTRATION AND THE  
30 ISSUANCE OF CERTIFICATES OF TITLE, SAFETY EDUCATION AND

1 ENFORCEMENT REQUIREMENTS OF THIS CHAPTER AS WELL AS THE  
2 ESTABLISHMENT,] PERFORMING ANY ACTIVITIES NECESSARY TO CARRY  
3 OUT THE PURPOSES OF THIS CHAPTER, INCLUDING REGISTRATION AND  
4 CERTIFICATE OF TITLE ACTIVITIES, TRAINING, EDUCATION,  
5 ENFORCEMENT ACTIVITIES, CONSTRUCTION AND MAINTENANCE OF  
6 SNOWMOBILE AND ATV TRAILS AND [ANY] ACQUISITION OF EQUIPMENT  
7 [AND], SUPPLIES [NECESSARY TO CARRY OUT THE PURPOSES OF THIS  
8 CHAPTER] AND INTERESTS IN LAND. ALL MONEYS DEPOSITED IN [SAID  
9 FUND NOT HERETOFORE PAID INTO THE GENERAL FUND] THIS ACCOUNT  
10 SHALL REMAIN IN [SAID RESTRICTED RECEIPTS FUND] IT TO BE USED  
11 AS SPECIFIED IN THIS [CHAPTER AND ANY INCREASES IN MONEYS  
12 PREVIOUSLY PAID TO THE GENERAL FUND SHALL REMAIN IN SAID  
13 RESTRICTED RECEIPTS FUND TO BE USED AS SPECIFIED IN THIS  
14 CHAPTER.] SECTION.

15 (3) THE PROVISIONS OF 42 PA.C.S. § 3573(B)(2) (RELATING  
16 TO MUNICIPAL CORPORATION PORTION OF FINES, ETC.)  
17 NOTWITHSTANDING, WHEN PROSECUTION UNDER THIS CHAPTER IS THE  
18 RESULT OF LOCAL POLICE ACTION, ALL FINES, PENALTIES, FEES AND  
19 COSTS ASSESSED AS A RESULT OF SUCH PROSECUTION SHALL BE  
20 PAYABLE TO THE MUNICIPAL CORPORATION UNDER WHICH THE LOCAL  
21 POLICE ARE ORGANIZED.

22 (B) GRANT-IN-AID.--THE DEPARTMENT SHALL [ALSO], UPON WRITTEN  
23 APPLICATION AND SUBSEQUENT APPROVAL, [DISPERSE MONEYS TO  
24 MUNICIPALITIES, NONPROFIT SNOWMOBILE CLUBS AND ORGANIZATIONS FOR  
25 CONSTRUCTION, MAINTENANCE AND REHABILITATION OF SNOWMOBILE  
26 TRAILS OR ANY OTHER FACILITIES FOR THE USE OF SNOWMOBILES,  
27 INCLUDING PLANS AND SPECIFICATIONS, ENGINEERING SURVEYS AND  
28 SUPERVISION AND LAND ACQUISITION WHERE NECESSARY.  
29 THE DEPARTMENT SHALL PROMULGATE SUCH RULES AND REGULATIONS IT  
30 DEEMS NECESSARY FOR THE ADMINISTRATION OF THIS SUBSECTION.]



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 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 [RECEIPTS FUND] ACCOUNT SHALL BE AUDITED EVERY TWO YEARS.

§ 7711. REGISTRATION OF DEALERS.

[ANY PERSON WHO IS IN THE BUSINESS OF SELLING SNOWMOBILES OR ATV'S SHALL REGISTER AS A DEALER. THE DEPARTMENT, UPON RECEIPT OF APPLICATION AND THE REQUIRED FEE, SHALL ASSIGN A DISTINGUISHING DEALER REGISTRATION NUMBER TO THE REGISTRANT AND ISSUE APPROPRIATE REGISTRATION CERTIFICATE TO HIM. DEALER REGISTRATIONS ARE NOT TRANSFERABLE.]

(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.

1     (B) ISSUANCE.--UPON RECEIPT OF AN APPLICATION UPON A FORM  
2     PRESCRIBED AND FURNISHED BY THE DEPARTMENT WHICH SHALL CONTAIN  
3     INFORMATION REASONABLE REQUIRED BY THE DEPARTMENT AND WHICH  
4     SHALL BE ACCOMPANIED BY THE REQUIRED FEE, THE DEPARTMENT SHALL  
5     ISSUE TO A DEALER:

6             (1) A DEALER REGISTRATION CERTIFICATE CONTAINING A  
7             DEALER REGISTRATION NUMBER AND EXPIRATION DATE.

8             (2) THREE DEALER REGISTRATION PLATES DISPLAYING THE  
9             EXPIRATION DATE OF THE DEALER REGISTRATION.

10            (3) THREE DEALER PLATE REGISTRATION CARDS DISPLAYING THE  
11            EXPIRATION DATE OF THE DEALER REGISTRATION.

12     (C) REGISTRATION NOT TRANSFERABLE.--A DEALER REGISTRATION  
13     CERTIFICATE, DEALER REGISTRATION PLATE AND DEALER PLATE  
14     REGISTRATION CARD ARE NOT TRANSFERABLE.

15     (D) EXPIRATION OF REGISTRATION.--A DEALER REGISTRATION  
16     CERTIFICATE, DEALER REGISTRATION PLATE AND DEALER PLATE  
17     REGISTRATION CARD EXPIRE EFFECTIVE THE DAY AFTER THE EXPIRATION  
18     DATE DISPLAYED ON THEM. A DEALER REGISTRATION CERTIFICATE,  
19     DEALER REGISTRATION PLATE OR DEALER PLATE REGISTRATION CARD THAT  
20     HAS EXPIRED IS NOT VALID.

21     (E) USE OF DEALER REGISTRATION PLATES.--A DEALER MAY OPERATE  
22     OR PERMIT TO BE OPERATED WITHIN THIS COMMONWEALTH A SNOWMOBILE  
23     OR ATV OWNED BY OR IN THE POSSESSION OF THE DEALER IF:

24             (1) A VALID DEALER REGISTRATION CERTIFICATE ISSUED TO  
25             THE DEALER UNDER THIS SECTION IS DISPLAYED CONSPICUOUSLY IN  
26             THE DEALER'S PLACE OF BUSINESS.

27             (2) THE OPERATOR CARRIES A VALID DEALER REGISTRATION CARD  
28             ISSUED TO THE DEALER UNDER THIS SECTION.

29             (3) THERE IS DISPLAYED ON THE SNOWMOBILE OR ATV IN A  
30             MANNER PRESCRIBED BY THE DEPARTMENT A VALID DEALER

1 REGISTRATION PLATE ISSUED TO THE DEALER UNDER THIS SECTION.

2 (4) THE SNOWMOBILE OR ATV IS OPERATED ONLY FOR THE  
3 PURPOSE OF DEMONSTRATION OR TESTING IN CONNECTION WITH THE  
4 DEALER'S BUSINESS.

5 SECTION 5. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:

6 § 7711.1. REGISTRATION OF SNOWMOBILE OR ATV.

7 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN  
8 SUBSECTION (F), IT IS UNLAWFUL FOR A PERSON TO OPERATE, OR FOR  
9 AN OWNER TO PERMIT ANOTHER PERSON TO OPERATE, A SNOWMOBILE OR AN  
10 ATV UNLESS:

11 (1) THERE IS CARRIED ON THE SNOWMOBILE OR ATV A VALID  
12 REGISTRATION CERTIFICATE, ISSUED THEREFOR PURSUANT TO  
13 SUBSECTION (B).

14 (2) THERE IS DISPLAYED ON THE SNOWMOBILE A REGISTRATION  
15 DECAL, OR ON THE ATV A REGISTRATION PLATE, ISSUED THEREFOR  
16 PURSUANT TO SUBSECTION (B).

17 (3) THE DISPLAY OF THE REGISTRATION DECAL OR PLATE IS IN  
18 THE MANNER PRESCRIBED BY THE DEPARTMENT.

19 (4) THERE IS DISPLAYED ON THE SNOWMOBILE OR ATV A VALID  
20 EXPIRATION STICKER ISSUED THEREFOR PURSUANT TO SUBSECTION  
21 (B).

22 (5) THE DISPLAY OF THE EXPIRATION STICKER IS IN THE  
23 MANNER PRESCRIBED BY THE DEPARTMENT.

24 (B) ISSUANCE.--UPON RECEIPT OF AN APPLICATION THEREFOR UPON  
25 A FORM PRESCRIBED AND FURNISHED BY THE DEPARTMENT WHICH SHALL  
26 CONTAIN INFORMATION REASONABLY REQUIRED BY THE DEPARTMENT AND  
27 WHICH SHALL BE ACCOMPANIED BY THE REQUIRED FEE, THE DEPARTMENT  
28 SHALL ISSUE TO THE OWNER OF A SNOWMOBILE OR ATV:

29 (1) A REGISTRATION CERTIFICATE CONTAINING THE  
30 REGISTRATION NUMBER FOR THE SNOWMOBILE OR ATV AND THE

1 EXPIRATION DATE OF THE REGISTRATION.

2 (2) A REGISTRATION DECAL DISPLAYING THE REGISTRATION  
3 NUMBER FOR A SNOWMOBILE OR A REGISTRATION PLATE DISPLAYING  
4 THE REGISTRATION NUMBER FOR AN ATV.

5 (3) AN EXPIRATION STICKER DISPLAYING THE EXPIRATION DATE  
6 OF THE REGISTRATION.

7 (C) TEMPORARY REGISTRATION.--TEMPORARY REGISTRATION FOR A  
8 PERIOD NOT TO EXCEED 45 DAYS MAY BE ISSUED BY A DEALER AS  
9 PRESCRIBED BY THE DEPARTMENT. PROOF OF TEMPORARY REGISTRATION  
10 SHALL BE CARRIED AND DISPLAYED AS PRESCRIBED BY THE DEPARTMENT.

11 (D) EXPIRATION OF REGISTRATION.--

12 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), A REGISTRATION  
13 CERTIFICATE AND AN EXPIRATION STICKER SHALL EXPIRE EFFECTIVE  
14 THE DAY AFTER THE EXPIRATION DATE APPEARING ON THE  
15 REGISTRATION CERTIFICATE AND EXPIRATION STICKER.

16 (2) UPON TRANSFER OF OWNERSHIP OF A SNOWMOBILE OR ATV  
17 DURING A REGISTRATION PERIOD, THE REGISTRATION CERTIFICATE  
18 AND EXPIRATION STICKER SHALL EXPIRE. THE TRANSFEROR SHALL,  
19 WITHIN 15 DAYS FROM THE DATE OF TRANSFER, RETURN TO THE  
20 DEPARTMENT THE REGISTRATION CERTIFICATE WITH THE DATE OF  
21 TRANSFER AND THE NAME AND ADDRESS OF THE NEW OWNER ENDORSED  
22 ON THE BACK. IF THE TRANSFEROR APPLIES FOR REGISTRATION OF A  
23 DIFFERENT SNOWMOBILE OR ATV AND PAYS THE REQUIRED TRANSFER  
24 FEE, THE TRANSFEROR MAY BE ISSUED, IN THE NAME OF THE  
25 TRANSFEROR, A REGISTRATION CERTIFICATE AND EXPIRATION STICKER  
26 FOR THAT SNOWMOBILE OR ATV FOR THE REMAINDER OF THE  
27 REGISTRATION PERIOD WITHOUT PAYMENT OF A REGISTRATION FEE.  
28 THE REGISTRATION DECAL OR PLATE SHALL NOT BE REMOVED FROM A  
29 SNOWMOBILE OR ATV UPON TRANSFER TO THE NEW OWNER AND IS  
30 INVALID UNTIL THE NEW OWNER IS ISSUED A REGISTRATION

1 CERTIFICATE OR LIMITED REGISTRATION CERTIFICATE FOR THE  
2 SNOWMOBILE OR ATV.

3 (3) AN EXPIRED GENERAL REGISTRATION CERTIFICATE AND AN  
4 EXPIRED EXPIRATION STICKER ARE INVALID.

5 (E) SUSPENSION OR REVOCATION.--IF A PERSON VIOLATES THIS  
6 CHAPTER OR IS CONVICTED OF ANY OFFENSE UNDER THIS CHAPTER, THE  
7 DEPARTMENT MAY SUSPEND OR REVOKE A REGISTRATION CERTIFICATE AND  
8 AN EXPIRATION STICKER. A SUSPENDED OR REVOKED REGISTRATION  
9 CERTIFICATE OR EXPIRATION STICKER IS INVALID.

10 (F) EXEMPTIONS FROM REGISTRATION.--SUBSECTION (A) DOES NOT  
11 APPLY IF:

12 (1) THE SNOWMOBILE OR ATV IS OWNED BY OR IN THE  
13 POSSESSION OF A DEALER WHO HAS BEEN ISSUED A DEALER  
14 REGISTRATION CERTIFICATE, DEALER REGISTRATION PLATES AND  
15 DEALER PLATE REGISTRATION CARDS UNDER § 7711 (RELATING TO  
16 REGISTRATION OF DEALERS), THE DEALER IS IN COMPLIANCE WITH §  
17 7711 AND THE SNOWMOBILE OR ATV IS USED IN ACCORDANCE WITH  
18 §7711.

19 (2) THE SNOWMOBILE OR ATV IS OWNED AND USED BY THE  
20 UNITED STATES OR ANOTHER STATE OR A POLITICAL SUBDIVISION  
21 THEREOF, IN WHICH CASE THE SNOWMOBILE OR ATV SHALL DISPLAY  
22 THE NAME OF THE OWNER IN A MANNER PRESCRIBED BY THE  
23 DEPARTMENT.

24 (3) THE SNOWMOBILE OR ATV IS OPERATED ON LAND OWNED OR  
25 LEASED BY THE OWNER OR OPERATOR OF THE SNOWMOBILE OR ATV AND  
26 IT IS NOT OPERATED ELSEWHERE WITHIN THIS COMMONWEALTH.

27 (4) THE OWNER OF THE SNOWMOBILE OR ATV IS NOT A RESIDENT  
28 OF THIS COMMONWEALTH AND THE OPERATOR PRESENTS PROOF THAT THE  
29 SNOWMOBILE OR ATV HAS BEEN PROPERLY REGISTERED IN ANOTHER  
30 JURISDICTION THAT EXEMPTS FROM ITS REGISTRATION REQUIREMENTS

1 PERSONS WHO HAVE OBTAINED PROPER REGISTRATION UNDER THIS  
2 CHAPTER.

3 § 7711.2. LIMITED REGISTRATION OF SNOWMOBILE OR ATV.

4 (A) GENERAL RULE.--IT IS UNLAWFUL FOR A PERSON TO OPERATE,  
5 OR FOR AN OWNER TO PERMIT ANOTHER PERSON TO OPERATE, A  
6 SNOWMOBILE OR ATV IDENTIFIED IN SECTION 7711.1(F)(3) (RELATING  
7 TO REGISTRATION OF SNOWMOBILE OR ATV) UNLESS:

8 (1) A LIMITED REGISTRATION CERTIFICATE HAS BEEN ISSUED  
9 THEREFOR PURSUANT TO SUBSECTION (B).

10 (2) THERE IS DISPLAYED ON THE SNOWMOBILE A VALID  
11 REGISTRATION DECAL OR ON THE ATV A VALID REGISTRATION PLATE,  
12 ISSUED PURSUANT TO SUBSECTION (B).

13 (3) THE DISPLAY OF THE REGISTRATION DECAL OR PLATE IS IN  
14 THE MANNER PRESCRIBED BY THE DEPARTMENT.

15 (B) ISSUANCE.--UPON RECEIPT OF AN APPLICATION THEREFOR UPON  
16 A FORM PRESCRIBED AND FURNISHED BY THE DEPARTMENT WHICH SHALL  
17 CONTAIN INFORMATION REASONABLY REQUIRED BY THE DEPARTMENT, THE  
18 DEPARTMENT SHALL ISSUE TO THE OWNER OF A SNOWMOBILE OR ATV FOR  
19 WHICH LIMITED REGISTRATION IS REQUIRED UNDER SUBSECTION (A):

20 (1) A LIMITED REGISTRATION CERTIFICATE CONTAINING THE  
21 REGISTRATION NUMBER FOR THE SNOWMOBILE OR ATV.

22 (2) A REGISTRATION DECAL DISPLAYING THE REGISTRATION  
23 NUMBER FOR A SNOWMOBILE OR A REGISTRATION PLATE DISPLAYING  
24 THE REGISTRATION NUMBER FOR AN ATV.

25 (C) TEMPORARY LIMITED REGISTRATION.--TEMPORARY LIMITED  
26 REGISTRATION FOR A PERIOD NOT TO EXCEED 45 DAYS MAY BE ISSUED BY  
27 A DEALER AS PRESCRIBED BY THE DEPARTMENT. PROOF OF TEMPORARY  
28 LIMITED REGISTRATION SHALL BE DISPLAYED AS PRESCRIBED BY THE  
29 DEPARTMENT.

30 (D) TRANSFER OF OWNERSHIP.--UPON TRANSFER OF OWNERSHIP OF A

1 SNOWMOBILE OR ATV FOR WHICH A LIMITED REGISTRATION CERTIFICATE  
2 HAS BEEN ISSUED, THE LIMITED REGISTRATION CERTIFICATE SHALL  
3 BECOME INVALID. THE TRANSFEROR SHALL, WITHIN 15 DAYS FROM THE  
4 DATE OF TRANSFER, RETURN TO THE DEPARTMENT THE LIMITED  
5 REGISTRATION CERTIFICATE WITH THE DATE OF TRANSFER AND THE NAME  
6 AND ADDRESS OF THE NEW OWNER ENDORSED ON THE BACK. THE  
7 REGISTRATION DECAL OR PLATE SHALL NOT BE REMOVED FROM THE  
8 SNOWMOBILE OR ATV UPON TRANSFER TO THE NEW OWNER AND IS INVALID  
9 UNTIL THE NEW OWNER OBTAINS A REGISTRATION CERTIFICATE OR  
10 LIMITED REGISTRATION CERTIFICATE FOR THE SNOWMOBILE OR ATV.

11 (E) SUSPENSION OR REVOCATION.--IF A PERSON VIOLATES THIS  
12 CHAPTER OR IS CONVICTED OF ANY OFFENSE UNDER THIS CHAPTER, THE  
13 DEPARTMENT MAY SUSPEND OR REVOKE A LIMITED REGISTRATION  
14 CERTIFICATE. A SUSPENDED OR REVOKED LIMITED REGISTRATION  
15 CERTIFICATE IS INVALID.

16 SECTION 6. SECTION 7712 OF TITLE 75 IS REPEALED.

17 SECTION 7. SECTIONS 7712.1, 7712.2, 7712.3, 7712.4, 7712.5,  
18 7712.6 AND 7712.7 OF TITLE 75 ARE AMENDED TO READ:

19 § 7712.1. CERTIFICATE OF TITLE FOR [ATV'S REQUIRED] SNOWMOBILE  
20 OR ATV.

21 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN [THIS  
22 SECTION] SUBSECTION (B), [EVERY] AN OWNER OF A [CLASS I OR CLASS  
23 II] SNOWMOBILE OR ATV WHICH IS IN THIS COMMONWEALTH AND FOR  
24 WHICH NO CERTIFICATE OF TITLE HAS BEEN ISSUED SHALL [MAKE  
25 APPLICATION] APPLY TO THE DEPARTMENT FOR A CERTIFICATE OF TITLE  
26 [TO THE ATV].

27 (B) [EXCEPTION.--THE PROVISIONS OF THIS SECTION WHICH  
28 REQUIRE EVERY OWNER OF AN ATV TO MAKE APPLICATION FOR AND  
29 RECEIVE A CERTIFICATE OF TITLE SHALL NOT APPLY TO ANY PERSON WHO  
30 HAS REGISTERED AN ATV ON OR BEFORE THE EFFECTIVE DATE OF THIS

SECTION UNLESS THAT OWNER RESELLS THE REGISTERED ATV.]

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 [ACTUAL OR BONA FIDE] 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 [AN] A SNOWMOBILE OR ATV OR ITS ENTRY INTO THIS



1 COMMONWEALTH FROM ANOTHER JURISDICTION, WHICHEVER IS LATER. THE  
2 APPLICATION SHALL BE ACCOMPANIED BY THE REQUIRED FEE [PRESCRIBED  
3 IN THIS SUBCHAPTER,] AND ANY TAX PAYABLE BY THE APPLICANT UNDER  
4 THE LAWS OF THIS COMMONWEALTH IN CONNECTION WITH THE ACQUISITION  
5 OR USE OF [AN] A SNOWMOBILE OR ATV OR EVIDENCE TO SHOW THAT THE  
6 TAX HAS BEEN PAID OR COLLECTED. THE APPLICATION SHALL BE SIGNED  
7 AND VERIFIED BY OATH OR AFFIRMATION BY THE APPLICANT IF A  
8 NATURAL PERSON; IN THE CASE OF AN ASSOCIATION OR PARTNERSHIP, BY  
9 A MEMBER OR A PARTNER; AND IN THE CASE OF A CORPORATION, BY AN  
10 EXECUTIVE OFFICER OR [SOME] PERSON SPECIFICALLY AUTHORIZED BY  
11 THE CORPORATION TO SIGN THE APPLICATION.

12 [(E) ATV'S PURCHASED FROM DEALERS OR MANUFACTURERS.--IF THE  
13 APPLICATION REFERS TO AN ATV PURCHASED FROM A DEALER OR  
14 MANUFACTURER, THE DEALER OR MANUFACTURER SHALL MAIL OR DELIVER  
15 TO THE DEPARTMENT THE CERTIFICATE OF TITLE AND ANY OTHER  
16 REQUIRED FORMS WITHIN 15 DAYS OF THE DATE OF PURCHASE. ANY  
17 DEALER OR MANUFACTURER VIOLATING THIS SUBSECTION IS GUILTY OF A  
18 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY  
19 A FINE OF \$50 FOR EACH VIOLATION. THE REQUIREMENT THAT THE  
20 DEALER OR MANUFACTURER MAIL OR DELIVER THE APPLICATION TO THE  
21 DEPARTMENT DOES NOT APPLY TO ATV'S PURCHASED BY GOVERNMENTAL  
22 AGENCIES.

23 (F) ATV'S NOT REQUIRING CERTIFICATE OF TITLE.--NO  
24 CERTIFICATE OF TITLE IS REQUIRED FOR:

25 (1) AN ATV OWNED BY THE UNITED STATES UNLESS IT IS  
26 REGISTERED IN THIS COMMONWEALTH.

27 (2) A NEW ATV OWNED BY A MANUFACTURER OR REGISTERED  
28 DEALER BEFORE AND UNTIL SALE.

29 (3) ANY ATV WHICH MEETS THE REQUIREMENTS OF SUBSECTION  
30 (B) PRIOR TO ANY RESALE.]

(G) REGISTRATION WITHOUT CERTIFICATE OF TITLE PROHIBITED.--  
EXCEPT AS PROVIDED IN SUBSECTION (B), THE DEPARTMENT SHALL NOT  
[REGISTER OR RENEW THE REGISTRATION OF AN] 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 [WHEN]  
IF IT HAS REASONABLE GROUNDS TO BELIEVE ANY ONE OF THE  
FOLLOWING:

(1) [THAT ANY] A REQUIRED FEE HAS NOT BEEN PAID.

(2) [THAT ANY] 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) [THAT THE] THE APPLICANT IS NOT THE OWNER OF THE  
SNOWMOBILE OR ATV.

(4) [THAT THE] THE APPLICATION CONTAINS A FALSE OR  
FRAUDULENT STATEMENT.

(5) [THAT THE] THE APPLICANT HAS FAILED TO FURNISH  
REQUIRED INFORMATION OR DOCUMENTS OR ANY ADDITIONAL  
INFORMATION THE DEPARTMENT REASONABLY REQUIRES.

[(I) SUSPENSION AND CANCELLATION OF CERTIFICATE OF TITLE.--

(1) THE DEPARTMENT MAY CANCEL THE CERTIFICATE OF TITLE  
ISSUED FOR A NEW ATV WHEN IT IS SHOWN BY SATISFACTORY  
EVIDENCE THAT THE ATV HAS BEEN RETURNED WITHIN 45 DAYS TO THE  
MANUFACTURER OR DEALER FROM WHOM OBTAINED.

(2) THE DEPARTMENT, UPON RECEIPT OF CERTIFICATION FROM  
THE CLERK OF ANY COURT SHOWING CONVICTION FOR A MISSTATEMENT

1 OF FACTS ON ANY APPLICATION FOR A CERTIFICATE OF TITLE OR ANY  
2 TRANSFER OF A CERTIFICATE OF TITLE, SHALL SUSPEND THE  
3 CERTIFICATE OF TITLE AND REQUIRE THAT THE CERTIFICATE BE  
4 RETURNED IMMEDIATELY TO THE DEPARTMENT, WHEREUPON THE  
5 DEPARTMENT MAY CANCEL THE CERTIFICATE.

6 (3) THE DEPARTMENT MAY SUSPEND A CERTIFICATE OF TITLE  
7 WHEN A CHECK RECEIVED IN PAYMENT OF THE FEE IS NOT PAID ON  
8 DEMAND OR WHEN THE FEE FOR THE CERTIFICATE IS UNPAID AND  
9 OWING.]

10 (J) TRANSFER OF OWNERSHIP OF SNOWMOBILE OR ATV.--

11 (1) [IN THE EVENT OF] UPON THE SALE OR TRANSFER OF [THE]  
12 OWNERSHIP OF [AN] A SNOWMOBILE OR ATV WITHIN THIS  
13 COMMONWEALTH, THE OWNER SHALL EXECUTE AN ASSIGNMENT AND  
14 WARRANTY OF TITLE TO THE TRANSFEREE IN THE SPACE PROVIDED ON  
15 THE CERTIFICATE OF TITLE OR AS THE DEPARTMENT PRESCRIBES,  
16 SWORN TO BEFORE A NOTARY PUBLIC OR OTHER OFFICER EMPOWERED TO  
17 ADMINISTER OATHS, AND DELIVER THE CERTIFICATE TO THE  
18 TRANSFEREE AT THE TIME OF THE DELIVERY OF THE SNOWMOBILE OR  
19 ATV.

20 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION [7712.2  
21 (RELATING TO TRANSFER TO OR FROM [MANUFACTURER OR] DEALER)]  
22 7715.1 (RELATING TO SNOWMOBILE OR ATV PURCHASED FROM DEALER),  
23 THE TRANSFEREE SHALL, WITHIN 15 DAYS OF THE ASSIGNMENT [OR  
24 REASSIGNMENT] OF THE CERTIFICATE OF TITLE, APPLY FOR A NEW  
25 TITLE BY [PRESENTING] FORWARDING TO THE DEPARTMENT THE  
26 CERTIFICATE OF TITLE EXECUTED AS REQUIRED BY PARAGRAPH (1), A  
27 PROPERLY COMPLETED APPLICATION FOR CERTIFICATE OF TITLE,  
28 SWORN TO BEFORE A NOTARY PUBLIC OR OTHER OFFICER EMPOWERED TO  
29 ADMINISTER OATHS, AND [ACCOMPANIED BY] SUCH OTHER FORMS AS  
30 THE DEPARTMENT MAY REQUIRE.

1           [(3) ANY] (K) PENALTY.--A PERSON [VIOLATING] WHO  
2       VIOLATES SUBSECTION (A) [SHALL BE GUILTY OF A] COMMITTS A  
3       SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED:

4           (I) FOR A FIRST OFFENSE, TO PAY A FINE OF \$100 AND  
5       COSTS OF PROSECUTION.

6           (II) FOR A SUBSEQUENT OFFENSE, TO PAY A FINE OF NOT  
7       LESS THAN \$300 NOR MORE THAN \$1,000 AND COSTS OF  
8       PROSECUTION.

9   § 7712.2. TRANSFER TO OR FROM [MANUFACTURER OR] DEALER.

10       (A) TRANSFER TO [MANUFACTURER OR] DEALER.--[WHEN THE  
11   PURCHASER OR TRANSFEREE OF AN] IF A DEALER ACQUIRES A SNOWMOBILE  
12   OR ATV [IS A MANUFACTURER OR REGISTERED DEALER WHO HOLDS THE  
13   ATV] FOR THE PURPOSE OF RESALE, A CERTIFICATE OF TITLE NEED NOT  
14   BE APPLIED FOR AS PROVIDED FOR IN SECTION 7712.1 (RELATING TO  
15   CERTIFICATE OF TITLE FOR [ATV'S REQUIRED] SNOWMOBILE OR ATV),  
16   BUT THE [TRANSFEREE] DEALER SHALL, WITHIN SEVEN DAYS FROM THE  
17   DATE OF [ASSIGNMENT OF THE CERTIFICATE OF TITLE TO THE  
18   MANUFACTURER OR DEALER] ACQUISITION FORWARD TO THE DEPARTMENT,  
19   UPON A FORM PRESCRIBED AND FURNISHED BY THE DEPARTMENT,  
20   NOTIFICATION OF THE ACQUISITION OF THE SNOWMOBILE OR ATV.  
21   [NOTIFICATION AS AUTHORIZED IN THIS SECTION MAY NOT BE USED IN  
22   EXCESS OF THREE CONSECUTIVE TRANSACTIONS AFTER WHICH TIME AN  
23   APPLICATION SHALL BE MADE FOR A CERTIFICATE OF TITLE.]

24       (B) EXECUTION AND DISPLAY OF NOTICE OF TRANSFER.--[THE  
25   MANUFACTURER OR] A DEALER MAKING NOTIFICATION [AS TO ANY ATV  
26   ACQUIRED] PURSUANT TO SUBSECTION (A) SHALL EXECUTE AT LEAST  
27   THREE COPIES OF THE NOTIFICATION, THE ORIGINAL OF WHICH SHALL BE  
28   FORWARDED TO THE DEPARTMENT, ONE COPY TO ACCOMPANY THE  
29   SNOWMOBILE OR ATV [ON] IN ANY SUBSEQUENT TRANSFER AND ONE COPY  
30   TO BE RETAINED BY THE [MANUFACTURER OR] DEALER FOR AT LEAST ONE

1 YEAR AFTER A SUBSEQUENT TRANSFER, TO BE EXHIBITED, WITH THE  
2 ASSIGNED CERTIFICATE OF TITLE, UPON REQUEST OF [ANY] A POLICE  
3 OFFICER OR AUTHORIZED DEPARTMENT EMPLOYEE.

4 (C) TRANSFER FROM [MANUFACTURER OR] DEALER.--EXCEPT AS  
5 OTHERWISE PROVIDED IN [THIS SECTION WHEN THE TRANSFEREE IS  
6 ANOTHER MANUFACTURER OR DEALER] SUBSECTION (A), IF A DEALER  
7 TRANSFERS THE DEALER'S INTEREST IN A SNOWMOBILE OR ATV:

8 (1) THE [MANUFACTURER OR] DEALER[, UPON TRANSFERRING  
9 THEIR INTEREST IN THE ATV,] SHALL EXECUTE AN ASSIGNMENT AND  
10 WARRANTY OF TITLE TO THE TRANSFEREE IN THE SPACE PROVIDED ON  
11 THE CERTIFICATE OF TITLE OR AS THE DEPARTMENT PRESCRIBES.

12 (2) THE TRANSFEREE SHALL COMPLETE THE APPLICATION FOR  
13 CERTIFICATE OF TITLE IN THE NAME OF THE TRANSFEREE, SWORN TO  
14 BEFORE A NOTARY PUBLIC OR OTHER OFFICER EMPOWERED TO  
15 ADMINISTER OATHS.

16 (3) THE [MANUFACTURER OR] DEALER SHALL FORWARD TO THE  
17 DEPARTMENT THE CERTIFICATE OF TITLE EXECUTED AS REQUIRED BY  
18 PARAGRAPH (1), A PROPERLY COMPLETED APPLICATION FOR  
19 CERTIFICATE OF TITLE AND [ANY] SUCH OTHER [REQUIRED] FORMS AS  
20 THE DEPARTMENT MAY REQUIRE [TO THE DEPARTMENT] WITHIN 15 DAYS  
21 OF THE TRANSFER.

22 (D) EXCEPTION FOR REPOSSESSED SNOWMOBILES OR ATV'S.--THIS  
23 SECTION DOES NOT APPLY TO [AN] A SNOWMOBILE OR ATV REPOSSESSED  
24 UPON DEFAULT OF PERFORMANCE OF A LEASE, CONTRACT OF CONDITIONAL  
25 SALE OR SIMILAR AGREEMENT.

26 (E) PENALTY; SUSPENSION OR REVOCATION OF DEALER  
27 REGISTRATION.--[ANY MANUFACTURER OR] A DEALER [VIOLATING ANY OF  
28 THE PROVISIONS OF] WHO VIOLATES THIS SECTION [IS GUILTY OF]  
29 COMMITTS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE  
30 SENTENCED TO PAY A FINE OF \$50 [FOR EACH VIOLATION]. IF A DEALER

1 VIOLATES THIS SECTION, THE DEPARTMENT MAY SUSPEND OR REVOKE THE  
2 REGISTRATION ISSUED UNDER SECTION 7711 (RELATING TO REGISTRATION  
3 OF DEALERS).

4 § 7712.3. TRANSFER OF SNOWMOBILE OR ATV BY OPERATION OF LAW.

5 (A) GENERAL RULE.--IF THE INTEREST OF AN OWNER IN [AN] A  
6 SNOWMOBILE OR ATV PASSES TO ANOTHER OTHER THAN BY VOLUNTARY  
7 TRANSFER, THE TRANSFEREE SHALL, EXCEPT AS OTHERWISE PROVIDED,  
8 PROMPTLY MAIL OR DELIVER TO THE DEPARTMENT THE LAST CERTIFICATE  
9 OF TITLE, IF AVAILABLE, AND SHALL APPLY FOR A NEW CERTIFICATE OF  
10 TITLE ON A FORM PRESCRIBED AND FURNISHED BY THE DEPARTMENT. THE  
11 APPLICATION SHALL BE ACCOMPANIED BY SUCH INSTRUMENTS OR  
12 DOCUMENTS OF AUTHORITY, OR CERTIFIED COPIES THEREOF, AS MAY BE  
13 SUFFICIENT OR REQUIRED BY LAW TO EVIDENCE OR EFFECT A TRANSFER  
14 OF TITLE OR INTEREST IN OR TO CHATTELS IN SUCH CASE.

15 (B) TRANSFER TO SURVIVING SPOUSE.--TRANSFER OF A CERTIFICATE  
16 OF TITLE TO A SURVIVING SPOUSE, OR [ANY] A PERSON DESIGNATED BY  
17 THE SPOUSE, MAY BE MADE WITHOUT THE NECESSITY OF FILING FOR  
18 LETTERS OF ADMINISTRATION, NOTWITHSTANDING THE FACT THAT THERE  
19 ARE MINOR CHILDREN SURVIVING THE DECEDENT, [PROVIDED] IF THE  
20 SURVIVING SPOUSE FILES AN AFFIDAVIT THAT ALL [THE] DEBTS OF THE  
21 DECEDENT HAVE BEEN PAID.

22 (C) SURRENDER OF CERTIFICATE.--A PERSON HOLDING A  
23 CERTIFICATE OF TITLE, WHOSE INTEREST IN [AN] A SNOWMOBILE OR ATV  
24 HAS BEEN EXTINGUISHED OR TRANSFERRED OTHER THAN BY VOLUNTARY  
25 TRANSFER, SHALL IMMEDIATELY SURRENDER THE CERTIFICATE OF TITLE  
26 TO THE PERSON TO WHOM THE RIGHT TO POSSESSION OF THE SNOWMOBILE  
27 OR ATV HAS PASSED. UPON REQUEST OF THE DEPARTMENT, SUCH PERSON  
28 SHALL MAIL OR DELIVER THE CERTIFICATE TO THE DEPARTMENT.  
29 DELIVERY OF THE CERTIFICATE PURSUANT TO THE REQUEST OF THE  
30 DEPARTMENT DOES NOT AFFECT THE RIGHTS OF THE PERSON SURRENDERING

1 THE CERTIFICATE.

2 § 7712.4. CORRECTION OF CERTIFICATE OF TITLE.

3 (A) GENERAL RULE.--WHEN [ANY] A CERTIFICATE OF TITLE HAS  
4 BEEN ISSUED IN ERROR TO A PERSON NOT ENTITLED TO [THE  
5 CERTIFICATE] IT OR CONTAINS INCORRECT INFORMATION, OR  
6 INFORMATION HAS BEEN OMITTED FROM THE CERTIFICATE, THE  
7 DEPARTMENT SHALL NOTIFY IN WRITING THE PERSON TO WHOM THE  
8 CERTIFICATE HAS BEEN ISSUED OR DELIVERED, AND SUCH PERSON SHALL  
9 [IMMEDIATELY] RETURN THE CERTIFICATE [OF TITLE] WITHIN 48 HOURS,  
10 TOGETHER WITH ANY OTHER INFORMATION NECESSARY FOR THE ADJUSTMENT  
11 OF THE DEPARTMENT RECORDS, AND[, ] UPON RECEIPT OF THE  
12 CERTIFICATE, THE DEPARTMENT SHALL CANCEL THE CERTIFICATE AND  
13 ISSUE A CORRECTED CERTIFICATE [OF TITLE].

14 (B) CHANGE IN MATERIAL INFORMATION ON CERTIFICATE.--IF ANY  
15 MATERIAL INFORMATION ON THE CERTIFICATE OF TITLE IS CHANGED OR  
16 DIFFERENT FROM THE INFORMATION ORIGINALLY SET FORTH, THE OWNER  
17 SHALL IMMEDIATELY INFORM THE DEPARTMENT AND APPLY FOR A  
18 CORRECTED CERTIFICATE [OF TITLE]. FOR THE PURPOSES OF THIS  
19 SUBSECTION, A CHANGE OF ADDRESS [SHALL] IS NOT [BE] DEEMED  
20 MATERIAL.

21 (C) SEIZURE OF CERTIFICATE ON CONVICTION.--UPON SUMMARY  
22 CONVICTION FOR VIOLATION OF [THE PROVISIONS OF] THIS SECTION,  
23 THE DEPARTMENT MAY DELEGATE AUTHORITY TO [ANY] A DEPARTMENT  
24 EMPLOYEE OR POLICE OFFICER TO SEIZE THE CERTIFICATE OF TITLE.

25 § 7712.5. ISSUANCE OF NEW CERTIFICATE FOLLOWING TRANSFER.

26 (A) VOLUNTARY TRANSFER.--THE DEPARTMENT, UPON RECEIPT OF A  
27 PROPERLY ASSIGNED CERTIFICATE OF TITLE WITH AN APPLICATION FOR A  
28 NEW CERTIFICATE OF TITLE, THE REQUIRED FEE AND ANY OTHER  
29 REQUIRED DOCUMENTS AND ARTICLES, SHALL ISSUE A NEW CERTIFICATE  
30 OF TITLE IN THE NAME OF THE TRANSFEREE AS OWNER AND MAIL IT TO

1 THE FIRST [LIENHOLDER] SECURED PARTY NAMED IN THE CERTIFICATE  
2 OR, IF NONE, TO THE OWNER.

3 (B) INVOLUNTARY TRANSFER.--THE DEPARTMENT, UPON RECEIPT OF  
4 AN APPLICATION FOR A NEW CERTIFICATE OF TITLE BY A TRANSFEREE  
5 OTHER THAN BY VOLUNTARY TRANSFER, ON A FORM PRESCRIBED AND  
6 FURNISHED BY THE DEPARTMENT TOGETHER WITH [PROPER] PROOF  
7 SATISFACTORY TO THE DEPARTMENT OF THE TRANSFER, THE REQUIRED FEE  
8 AND ANY OTHER REQUIRED DOCUMENTS AND ARTICLES, SHALL ISSUE A NEW  
9 CERTIFICATE OF TITLE IN THE NAME OF THE TRANSFEREE AS OWNER.

10 (C) FILING AND RETENTION OF SURRENDERED CERTIFICATE.--THE  
11 DEPARTMENT SHALL FILE AND RETAIN FOR FIVE YEARS [EVERY] A  
12 SURRENDERED CERTIFICATE OF TITLE, OR A COPY, IN SUCH A MANNER AS  
13 TO PERMIT THE TRACING OF TITLE OF THE SNOWMOBILE OR ATV.

14 § 7712.6. SUSPENSION AND CANCELLATION OF CERTIFICATE OF TITLE.

15 (A) RETURN OF NEW SNOWMOBILE OR ATV.--THE DEPARTMENT MAY  
16 CANCEL THE CERTIFICATE OF TITLE ISSUED FOR A NEW SNOWMOBILE OR  
17 ATV [WHEN] IF IT IS SHOWN BY SATISFACTORY EVIDENCE THAT THE  
18 SNOWMOBILE OR ATV HAS BEEN RETURNED [WITHIN THE TIME SPECIFIED  
19 IN THE DEPARTMENT REGULATIONS] TO THE [MANUFACTURER OR] DEALER  
20 FROM WHOM OBTAINED.

21 (B) [ATV'S] SNOWMOBILE OR ATV SOLD TO NONRESIDENTS.--THE  
22 DEPARTMENT MAY CANCEL [CERTIFICATES] A CERTIFICATE OF TITLE FOR  
23 [ATV'S] A SNOWMOBILE OR ATV SOLD TO [RESIDENTS] A RESIDENT OF  
24 [OTHER STATES] ANOTHER STATE OR FOREIGN [COUNTRIES] COUNTRY  
25 [WHEN] IF THE SNOWMOBILE OR ATV IS TO BE REGISTERED IN THE OTHER  
26 JURISDICTION.

27 (C) SURRENDER OF PENNSYLVANIA CERTIFICATE IN OTHER  
28 JURISDICTION.--THE DEPARTMENT, UPON RECEIPT OF NOTIFICATION FROM  
29 ANOTHER STATE OR FOREIGN COUNTRY THAT A CERTIFICATE OF TITLE  
30 ISSUED BY THE DEPARTMENT HAS BEEN SURRENDERED BY THE OWNER IN



1 CONFORMITY WITH THE LAWS OF THE OTHER STATE OR FOREIGN COUNTRY,  
2 MAY CANCEL THE CERTIFICATE OF TITLE.

3 (D) SURRENDER OF FOREIGN CERTIFICATE TO DEPARTMENT.--[WHEN]  
4 IF AN OWNER SURRENDERS A CERTIFICATE OF TITLE FROM ANOTHER STATE  
5 OR FOREIGN COUNTRY TO THE DEPARTMENT, THE DEPARTMENT MAY NOTIFY  
6 THE STATE OR FOREIGN COUNTRY [IN ORDER] SO THAT THE CERTIFICATE  
7 OF TITLE MAY BE CANCELED OR OTHERWISE DISPOSED OF IN ACCORDANCE  
8 WITH THE LAW OF THE OTHER JURISDICTION.

9 (E) CONVICTION FOR MISSTATEMENT OF FACTS.--THE DEPARTMENT,  
10 UPON RECEIPT OF CERTIFICATION FROM THE CLERK OF [ANY] A COURT  
11 SHOWING CONVICTION FOR A MISSTATEMENT OF FACTS ON [ANY] AN  
12 APPLICATION FOR AN ORIGINAL OR DUPLICATE CERTIFICATE OF TITLE OR  
13 [ANY] A TRANSFER OF A CERTIFICATE OF TITLE, SHALL SUSPEND THE  
14 CERTIFICATE OF TITLE AND REQUIRE THAT [THE CERTIFICATE] IT BE  
15 RETURNED [IMMEDIATELY] TO THE DEPARTMENT WITHIN TEN DAYS OF  
16 NOTICE BY THE DEPARTMENT, WHEREUPON THE DEPARTMENT MAY CANCEL  
17 [THE CERTIFICATE] IT.

18 (F) NONPAYMENT OF FEE.--THE DEPARTMENT MAY SUSPEND OR CANCEL  
19 A CERTIFICATE OF TITLE WHEN A CHECK RECEIVED IN PAYMENT OF THE  
20 FEE IS NOT PAID ON DEMAND OR WHEN THE FEE FOR THE CERTIFICATE IS  
21 UNPAID AND OWING.

22 (G) SECURITY INTEREST UNAFFECTED BY SUSPENSION OR  
23 CANCELLATION.--SUSPENSION OR CANCELLATION OF A CERTIFICATE OF  
24 TITLE DOES NOT, IN ITSELF, AFFECT THE VALIDITY OF A SECURITY  
25 INTEREST NOTED ON THE CERTIFICATE.

26 (H) SURRENDER OF CERTIFICATE.--THE DEPARTMENT MAY REQUEST  
27 THE RETURN OF [CERTIFICATES] A CERTIFICATE OF TITLE WHICH [HAVE]  
28 HAS BEEN SUSPENDED OR CANCELED. THE OWNER OR PERSON IN  
29 POSSESSION OF THE [CERTIFICATION] CERTIFICATE OF TITLE SHALL  
30 [IMMEDIATELY], WITHIN TEN DAYS OF THE DATE OF REQUEST BY THE

1 DEPARTMENT, MAIL OR DELIVER THE CERTIFICATE TO THE DEPARTMENT.

2 § 7712.7. APPLICATION FOR CERTIFICATE OF TITLE BY AGENT.

3 (A) AUTHORIZATION TO [MAKE APPLICATION] APPLY.--NO PERSON  
4 [SHALL MAKE APPLICATION] MAY APPLY FOR A CERTIFICATE OF TITLE  
5 [WHEN ACTING FOR] ON BEHALF OF ANOTHER PERSON UNLESS  
6 AUTHORIZATION TO [MAKE THE APPLICATION] DO SO IS IN EFFECT AND  
7 IS VERIFIED BY OATH OR AFFIRMATION OF THE OTHER PERSON, MADE,  
8 [EXCEPTING] EXCEPT AS BETWEEN LESSORS AND FLEET OWNERS AS  
9 LESSEES, NOT MORE THAN 15 DAYS BEFORE THE APPLICATION IS  
10 RECEIVED BY THE DEPARTMENT. [LESSORS] A LESSOR MAY AUTHORIZE A  
11 FLEET [OWNERS] OWNER TO [MAKE APPLICATION] APPLY FOR A  
12 [CERTIFICATES] CERTIFICATE OF TITLE FOR A LEASED [ATV'S]  
13 SNOWMOBILE OR ATV FOR [PERIODS] A PERIOD OF UP TO ONE YEAR.

14 (B) CERTIFICATE NOT TO BE ASSIGNED IN BLANK.--NO PERSON  
15 [SHALL MAKE APPLICATION] MAY APPLY FOR, OR ASSIGN OR PHYSICALLY  
16 POSSESS, A CERTIFICATE OF TITLE, OR DIRECT OR ALLOW ANOTHER  
17 PERSON IN HIS EMPLOY OR CONTROL TO [MAKE APPLICATION] APPLY FOR,  
18 OR ASSIGN OR PHYSICALLY POSSESS, A CERTIFICATE OF TITLE, UNLESS  
19 THE NAME OF THE TRANSFEREE IS PLACED ON THE ASSIGNMENT OF  
20 CERTIFICATE OF TITLE SIMULTANEOUSLY WITH THE NAME OF THE  
21 TRANSFEROR AND DULY NOTARIZED.

22 (C) PERSONS AUTHORIZED TO HOLD CERTIFICATE.--NO PERSON  
23 [SHALL] MAY RECEIVE, OBTAIN OR HOLD A CERTIFICATE OF TITLE  
24 RECORDED IN THE NAME OF ANOTHER PERSON FOR THE OTHER PERSON WHO  
25 IS NOT IN THE REGULAR EMPLOY OF, OR NOT A MEMBER OF THE FAMILY  
26 OF, THE OTHER PERSON, UNLESS THE PERSON RECEIVING, OBTAINING OR  
27 HOLDING THE CERTIFICATE OF TITLE HAS A VALID UNDISCHARGED [LIEN]  
28 SECURITY INTEREST RECORDED IN THE DEPARTMENT AGAINST THE  
29 SNOWMOBILE OR ATV REPRESENTED BY THE CERTIFICATE OF TITLE.

30 (D) PENALTY.--[ANY] A PERSON [VIOLATING ANY OF THE

1 PROVISIONS OF] WHO VIOLATES THIS SECTION [IS GUILTY OF] COMMITS  
2 A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO  
3 PAY A FINE OF \$100 AND COSTS OF PROSECUTION.

4 SECTION 8. SECTIONS 7713, 7714 AND 7715 OF TITLE 75 ARE  
5 REPEALED.

6 SECTION 9. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:  
7 § 7715.1. SNOWMOBILE OR ATV PURCHASED FROM DEALER.

8 (A) GENERAL RULE.--IF A SNOWMOBILE OR ATV IS PURCHASED FROM  
9 A DEALER, THE DEALER SHALL MAIL OR DELIVER TO THE DEPARTMENT AN  
10 APPLICATION FOR A REGISTRATION CERTIFICATE OR LIMITED  
11 REGISTRATION CERTIFICATE, A APPLICATION FOR CERTIFICATE OF  
12 TITLE, ANY OTHER REQUIRED FORMS, AND THE REQUIRED FEES WITHIN 15  
13 DAYS OF THE DATE OF THE DATE OF PURCHASE.

14 (B) PENALTY.--A DEALER WHO VIOLATES SUBSECTION (A) COMMITS A  
15 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY  
16 A FINE OF \$300 AND COSTS OF PROSECUTION, OR TO BE IMPRISONED FOR  
17 NOT MORE THAN 90 DAYS, OR BOTH. IN ADDITION, IF A DEALER  
18 VIOLATES SUBSECTION (A), THE DEPARTMENT MAY SUSPEND OR REVOKE  
19 THE REGISTRATION ISSUED UNDER SECTION 7711 (RELATING TO  
20 REGISTRATION OF DEALERS).

21 § 7715.2. FEES.

22 (A) FEES.--EXCEPT AS PROVIDED IN SUBSECTION (B), THE  
23 DEPARTMENT SHALL COLLECT THE FOLLOWING FEES:

24 (1) CERTIFICATE OF TITLE, \$22.50.

25 (2) EXPIRATION STICKER, \$20.

26 (3) DEALER REGISTRATION, \$25.

27 (4) REPLACEMENT, DUE TO LOSS OR DAMAGE, OF REGISTRATION  
28 CERTIFICATE, LIMITED REGISTRATION CERTIFICATE, REGISTRATION  
29 DECAL, REGISTRATION PLATE OR EXPIRATION STICKER, \$5.

30 (5) TRANSFER OF REGISTRATION PURSUANT TO SECTION 7711.1

1       (RELATING TO REGISTRATION OF SNOWMOBILE OR ATV), \$5.

2           (6) RECORDING THE NAME OF A SECURED PARTY ON A  
3       CERTIFICATE OF TITLE, \$5.

4       (B) EXEMPTIONS FROM FEES.--SUBSECTION (A) DOES NOT APPLY TO  
5       A SNOWMOBILE OR ATV OWNED BY:

6           (1) THE COMMONWEALTH.

7           (2) A POLITICAL SUBDIVISION OF THIS COMMONWEALTH.

8           (3) A VOLUNTEER ORGANIZATION AND USED EXCLUSIVELY FOR  
9       EMERGENCY PURPOSES.

10       SECTION 10. SECTIONS 7716, 7717, 7724 AND 7725(H) ARE  
11       AMENDED TO READ:

12       § 7716. [CENTRAL REGISTRATION FILE] RECORDS.

13       THE DEPARTMENT SHALL MAINTAIN A [CENTRAL FILE] RECORD, WHICH  
14       SHALL BE MADE AVAILABLE TO ALL ENFORCEMENT AGENCIES, OF [THE  
15       CERTIFICATE OF REGISTRATION]:

16           (1) THE REGISTRATION NUMBER[, ] FOR EACH SNOWMOBILE AND  
17       ATV FOR WHICH A REGISTRATION CERTIFICATE OR LIMITED  
18       REGISTRATION CERTIFICATE IS ISSUED.

19           (2) THE NAME AND ADDRESS OF THE OWNER OF EACH SNOWMOBILE  
20       AND ATV FOR WHICH A REGISTRATION CERTIFICATE OR LIMITED  
21       REGISTRATION CERTIFICATE [OF REGISTRATION] IS ISSUED [AND  
22       SUCH INFORMATION SHALL BE MADE AVAILABLE TO ALL ENFORCEMENT  
23       AGENCIES].

24       § 7717. SNOWMOBILE [TRAIL] AND ATV ADVISORY COMMITTEE.

25       (A) ESTABLISHMENT.--THERE IS HEREBY ESTABLISHED UNDER THE  
26       JURISDICTION OF THE DEPARTMENT A BOARD KNOWN AS THE SNOWMOBILE  
27       [TRAIL] AND ATV ADVISORY COMMITTEE.

28       (B) COMPOSITION.--[THE SNOWMOBILE TRAIL ADVISORY COMMITTEE  
29       SHALL BE APPOINTED WITHIN THREE MONTHS OF THE EFFECTIVE DATE OF  
30       THIS SECTION AND BIANNUALLY THEREAFTER. THE MEMBERSHIP SHALL BE

1 COMPOSED OF THREE MEMBERS FROM THE PENNSYLVANIA STATE SNOWMOBILE  
2 ASSOCIATION, ONE OF WHOM SHALL HAVE EXPERIENCE IN TRAIL CREATION  
3 ON PUBLIC LAND, ONE OF WHOM SHALL HAVE EXPERIENCE IN TRAIL  
4 CREATION ON PRIVATE LAND AND ONE OF WHOM SHALL BE A MEMBER AT  
5 LARGE. IN ADDITION, ONE MEMBER SHALL BE APPOINTED FROM EACH OF  
6 THE FOLLOWING ORGANIZATIONS: PENNSYLVANIA TRAVEL COUNCIL,  
7 PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS,  
8 PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP COMMISSIONERS,  
9 PENNSYLVANIA STATE ASSOCIATION OF BOROUGHES, PENNSYLVANIA STATE  
10 ASSOCIATION OF COUNTY COMMISSIONERS, PENNSYLVANIA ASSOCIATION OF  
11 REALTORS, PENNSYLVANIA LANDOWNERS ASSOCIATION, PENNSYLVANIA  
12 VACATION LAND DEVELOPERS ASSOCIATION, PENNSYLVANIA CHAPTER OF  
13 RAILS TO TRAILS CONSERVANCY, DEPARTMENT OF COMMERCE AND  
14 DEPARTMENT OF COMMUNITY AFFAIRS. THE NAME OF THE REPRESENTATIVES  
15 SHALL BE SUBMITTED TO THE SECRETARY WITHIN TEN DAYS OF THE  
16 RECEIPT OF THE REQUEST FOR THEM.] THE COMMITTEE SHALL CONSIST OF  
17 17 MEMBERS. THE MEMBERS SHALL BE AS FOLLOWS:

18 (1) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE  
19 ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE OF THE SENATE.

20 (2) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE  
21 ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE OF THE HOUSE OF  
22 REPRESENTATIVES.

23 (3) ONE MEMBER FROM THE PENNSYLVANIA GAME COMMISSION.

24 (4) ONE MEMBER FROM THE ALLEGHENY NATIONAL FOREST.

25 (5) ONE MEMBER FROM THE PENNSYLVANIA STATE ASSOCIATION  
26 OF TOWNSHIP SUPERVISORS.

27 (6) ONE MEMBER FROM THE PENNSYLVANIA STATE ASSOCIATION  
28 OF BOROUGHES.

29 (7) ONE MEMBER FROM THE PENNSYLVANIA STATE ASSOCIATION  
30 OF COUNTY COMMISSIONERS.

1       (8) EIGHT MEMBERS OF THE PUBLIC REPRESENTING THE  
2       FOLLOWING ORGANIZATIONS, TO BE APPOINTED BY THE SECRETARY OF  
3       CONSERVATION AND NATURAL RESOURCES.

4               (I) TWO MEMBERS FROM A LIST OF AT LEAST SIX  
5       REPRESENTATIVES SUBMITTED BY THE PENNSYLVANIA STATE  
6       SNOWMOBILE ASSOCIATION.

7               (II) TWO MEMBERS FROM A LIST OF AT LEAST SIX  
8       REPRESENTATIVES SUBMITTED BY THE PENNSYLVANIA OFF-HIGHWAY  
9       VEHICLE ASSOCIATION.

10              (III) ONE MEMBER FROM A LIST OF AT LEAST THREE  
11       REPRESENTATIVES SUBMITTED BY THE PENNSYLVANIA FARM  
12       BUREAU.

13              (IV) TWO MEMBERS FROM A LIST OF AT LEAST SIX  
14       REPRESENTATIVES SUBMITTED BY CONSERVATION OR NONMOTORIZED  
15       RECREATION ORGANIZATIONS.

16              (V) ONE MEMBER FROM A LIST OF AT LEAST THREE  
17       REPRESENTATIVES SUBMITTED BY THE PENNSYLVANIA TRAVEL  
18       COUNCIL.

19       EACH MEMBER MAY DESIGNATE AN ALTERNATE TO SERVE IN HIS STEAD. A  
20       MEMBER SHALL NOTIFY THE CHAIRMAN IN WRITING OF THIS DESTINATION.

21       (C) [RESPONSIBILITIES.--THE COMMITTEE SHALL REVIEW EXISTING  
22       AND PROPOSED REGULATIONS, STANDARDS AND PROCEDURES FOR ALL TRAIL  
23       ACQUISITION, CONSTRUCTION, DEVELOPMENT AND MAINTENANCE. THE  
24       COMMITTEE MAY ALSO MAKE RECOMMENDATIONS ON TRAIL SITES, TRAIL  
25       SITE ACQUISITION AND THE ALLOCATION OF FEES COLLECTED PURSUANT  
26       TO THIS CHAPTER REGARDING ACQUISITION, CONSTRUCTION AND  
27       MAINTENANCE OF TRAILS FOR SNOWMOBILE USE.] TERMS OF  
28       APPOINTEES.--THE TERMS OF ALL MEMBERS OF THE COMMITTEE APPOINTED  
29       BY THE SECRETARY OF CONSERVATION AND NATURAL RESOURCES SHALL BE  
30       THREE YEARS. ANY MEMBER OF THE COMMITTEE MAY BE REAPPOINTED FOR

1 ADDITIONAL TERMS. A PERSON APPOINTED TO FILL A VACANCY SHALL  
2 SERVE FOR THE UNEXPIRED TERM AND IS ELIGIBLE FOR REAPPOINTMENT.

3 (D) [ADVISORY COMMITTEE ACTIONS.--THE RECOMMENDATIONS OF THE  
4 ADVISORY COMMITTEE SHALL BE SUBMITTED TO THE SECRETARY WHO SHALL  
5 GIVE DUE CONSIDERATION TO THEM.] OFFICERS.--THE MEMBERS OF THE  
6 COMMITTEE SHALL ANNUALLY ELECT A CHAIRMAN, A VICE CHAIRMAN AND A  
7 SECRETARY FROM AMONG THE PUBLIC MEMBERS OF THE COMMITTEE.

8 (E) MEETINGS AND EXPENSES.--

9 (1) THE COMMITTEE SHALL MEET AT LEAST ANNUALLY.

10 (2) A PUBLIC MEMBER, INCLUDING A DESIGNEE, WHO MISSES  
11 THREE CONSECUTIVE MEETINGS WITHOUT GOOD CAUSE ACCEPTABLE TO  
12 THE CHAIRMAN MAY BE REPLACED BY THE SECRETARY OF CONSERVATION  
13 AND NATURAL RESOURCES.

14 (3) THE PUBLIC MEMBERS OF THE COMMITTEE SHALL BE ALLOWED  
15 ACTUAL, NECESSARY AND REASONABLE PER DIEM EXPENSES IN  
16 ACCORDANCE WITH REGULATIONS OF THE EXECUTIVE BOARD. THE  
17 DEPARTMENT SHALL PROVIDE APPROPRIATE STAFF SUPPORT TO ENABLE  
18 THE COMMITTEE TO PROPERLY CARRY OUT ITS FUNCTIONS.

19 (F) POWERS AND DUTIES.--THE POWERS AND DUTIES OF THE  
20 COMMITTEE SHALL BE TO ADVISE THE SECRETARY OF CONSERVATION AND  
21 NATURAL RESOURCES ON MATTERS CONCERNING THE IMPLEMENTATION OF  
22 THIS CHAPTER, INCLUDING EXISTING AND PROPOSED REGULATIONS,  
23 STANDARDS, POLICIES AND PRACTICES; USE AND OPERATION OF  
24 SNOWMOBILES AND ATV'S ON PUBLIC AND PRIVATE LAND; ACQUISITION,  
25 CONSTRUCTION, DEVELOPMENT AND MAINTENANCE OF TRAILS;  
26 ENFORCEMENT; AND ALLOCATION OF FEES COLLECTED BY THE DEPARTMENT  
27 PURSUANT TO THIS CHAPTER.

28 § 7724. OPERATION ON PRIVATE OR STATE PROPERTY.

29 (A) PRIVATE REAL PROPERTY.--

30 (1) NO PERSON SHALL OPERATE A SNOWMOBILE OR AN ATV ON

1 [ANY] PRIVATE REAL PROPERTY WITHOUT THE EXPRESS CONSENT OF  
2 THE OWNER [OR LESSOR] THEREOF. ANY PERSON OPERATING A  
3 SNOWMOBILE OR AN ATV UPON LANDS OF ANOTHER SHALL STOP AND  
4 IDENTIFY HIMSELF UPON THE REQUEST OF THE LANDOWNER OR HIS  
5 DULY AUTHORIZED REPRESENTATIVES AND, IF REQUESTED TO DO SO BY  
6 THE LANDOWNER, SHALL PROMPTLY REMOVE THE SNOWMOBILE OR ATV  
7 FROM THE PREMISES.

8 (2) WHEN A PERSON OPERATES A SNOWMOBILE OR AN ATV IN A  
9 MANNER AS TO VIOLATE SECTION 3717 (RELATING TO TRESPASS BY  
10 MOTOR VEHICLE), THE APPLICABLE FINES, PENALTIES AND  
11 SUSPENSIONS PROVIDED IN THIS TITLE FOR VIOLATION OF SECTION  
12 3717 SHALL APPLY TO THIS SUBSECTION.

13 (B) STATE PROPERTY.--

14 (1) NO PERSON SHALL OPERATE A SNOWMOBILE OR AN ATV ON  
15 STATE-OWNED PROPERTY EXCEPT ON CLEARLY MARKED AND PREVIOUSLY  
16 DESIGNATED SNOWMOBILE OR ATV ROUTES OR AS EXPRESSLY PERMITTED  
17 BY THE LANDOWNER.

18 (2) (I) THE DEPARTMENT MAY DESIGNATE ANY ROAD WITHIN A  
19 STATE PARK OR STATE FOREST OVER WHICH THE DEPARTMENT HAS  
20 JURISDICTION AS A SNOWMOBILE ROAD OR AN ATV ROAD, OR  
21 BOTH, AND MAY, IN ITS DISCRETION, DETERMINE WHETHER THE  
22 ROAD SHALL BE CLOSED TO VEHICULAR TRAFFIC OR WHETHER  
23 SNOWMOBILES AND ATV'S MAY SHARE THE DESIGNATED ROAD WITH  
24 VEHICULAR TRAFFIC. ADEQUATE NOTICES OF SUCH DESIGNATION  
25 AND DETERMINATION SHALL BE SUFFICIENTLY AND PROMINENTLY  
26 DISPLAYED.

27 (II) NO PERSON SHALL OPERATE A SNOWMOBILE OR ATV ON  
28 STATE PARK OR STATE FOREST LAND EXCEPT AS FOLLOWS:

29 (A) A PERSON MAY OPERATE A SNOWMOBILE ON A ROAD,  
30 TRAIL OR AREA THAT IS DESIGNATED AND MARKED BY THE



1           DEPARTMENT AS OPEN FOR SNOWMOBILE USE OR ON WHICH THE  
2           PERSON HAS BEEN GIVEN SPECIFIC, WRITTEN PERMISSION TO  
3           OPERATE THE SNOWMOBILE.

4           (B) A PERSON MAY OPERATE A CLASS I ATV ON A  
5           ROAD, TRAIL OR AREA THAT IS DESIGNATED AND MARKED BY  
6           THE DEPARTMENT AS OPEN FOR ATV USE OR ON WHICH THE  
7           PERSON HAS BEEN GIVEN SPECIFIC, WRITTEN PERMISSION TO  
8           OPERATE THE ATV.

9           (C) A PERSON MAY OPERATE A CLASS II ATV ON A  
10          ROAD, TRAIL OR AREA IF THE PERSON HAS BEEN GIVEN  
11          SPECIFIC, WRITTEN PERMISSION BY THE DEPARTMENT TO  
12          OPERATE A CLASS II ATV ON THE ROAD, TRAIL OR AREA.

13 § 7725. OPERATION BY PERSONS UNDER AGE SIXTEEN.

14       \* \* \*

15       (H) SNOWMOBILE AND ATV SAFETY PROGRAM.--THE DEPARTMENT SHALL  
16 IMPLEMENT A COMPREHENSIVE SNOWMOBILE AND ATV INFORMATION, SAFETY  
17 EDUCATION AND TRAINING PROGRAM WHICH SHALL INCLUDE THE  
18 PREPARATION AND DISSEMINATION OF INFORMATION AND SAFETY ADVICE  
19 TO THE PUBLIC AND TRAINING OF OPERATORS. THE PROGRAM SHALL  
20 PROVIDE FOR THE TRAINING OF YOUTHFUL OPERATORS AND FOR THE  
21 ISSUANCE OF SNOWMOBILE OR ATV SAFETY CERTIFICATES TO THOSE WHO  
22 SUCCESSFULLY COMPLETE THE TRAINING PROVIDED UNDER THE PROGRAM.

23       \* \* \*

24       SECTION 11. SECTION 7726 OF TITLE 75 IS AMENDED BY ADDING A  
25 SUBSECTION TO READ:

26 § 7726. OPERATION IN SAFE MANNER.

27       \* \* \*

28       (D) UNSAFE CARRYING OF PASSENGERS.--NO PERSON SHALL OPERATE  
29 AN ATV WITH A PASSENGER UNLESS THE ATV WAS DESIGNED BY THE  
30 MANUFACTURER TO CARRY A PASSENGER. A PERSON WHO VIOLATES THIS

1 SUBSECTION COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION,  
2 BE SENTENCED TO PAY A FINE OF \$100 AND COSTS OF PROSECUTION.

3 \* \* \*

4 SECTION 12. SECTIONS 7730 AND 7752 OF TITLE 75 ARE AMENDED  
5 TO READ:

6 § 7730. LIABILITY INSURANCE.

7 (A) REQUIREMENT.--[ANY] A SNOWMOBILE OR ATV FOR WHICH  
8 REGISTRATION OR LIMITED REGISTRATION IS REQUIRED [TO BE  
9 REGISTERED PURSUANT TO] UNDER THIS CHAPTER SHALL HAVE LIABILITY  
10 INSURANCE COVERAGE FOR THE SNOWMOBILE OR ATV ISSUED BY AN  
11 INSURANCE CARRIER AUTHORIZED TO DO BUSINESS IN THIS  
12 COMMONWEALTH.

13 (B) PROOF OF INSURANCE.--PROOF OF INSURANCE AS REQUIRED BY  
14 THIS SECTION SHALL BE PRODUCED AND DISPLAYED BY THE OWNER OR  
15 OPERATOR OF SUCH SNOWMOBILE OR ATV UPON THE REQUEST OF ANY  
16 MAGISTRATE OR ANY PERSON HAVING AUTHORITY TO ENFORCE THE  
17 PROVISIONS OF THIS CHAPTER OR TO ANY PERSON WHO HAS SUFFERED OR  
18 CLAIMS TO HAVE SUFFERED EITHER PERSONAL INJURY OR PROPERTY  
19 DAMAGE AS A RESULT OF THE OPERATION OF SUCH SNOWMOBILE OR ATV.  
20 IT SHALL BE AN AFFIRMATIVE DEFENSE TO ANY PROSECUTION FOR A  
21 VIOLATION OF THIS SECTION THAT SUCH PROOF WAS SO PRODUCED WITHIN  
22 24 HOURS OF RECEIVING NOTICE OF SUCH VIOLATION, INJURY OR DAMAGE  
23 OR THE CLAIM OF SUCH INJURY OR DAMAGE.

24 (C) OWNER'S RESPONSIBILITY.--NO OWNER OF A SNOWMOBILE OR ATV  
25 SHALL OPERATE OR PERMIT THE SAME TO BE OPERATED WITHOUT HAVING  
26 IN FULL FORCE AND EFFECT LIABILITY INSURANCE COVERAGE REQUIRED  
27 BY THIS SECTION. THE OPERATOR OF A SNOWMOBILE OR ATV SHALL CARRY  
28 PROOF OF INSURANCE ON [THEIR] HIS PERSON OR ON THE SNOWMOBILE OR  
29 ATV WHEN IT IS IN OPERATION.

30 (D) PENALTY.--A PERSON WHO VIOLATES SUBSECTION (A) OR (C)

1 COMMITTS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE  
2 SENTENCED TO PAY A FINE OF \$300 AND COSTS OF PROSECUTION AND, IN  
3 DEFAULT OF PAYMENT OF THE FINE OR COSTS, SHALL BE IMPRISONED FOR  
4 NOT MORE THAN TEN DAYS.

5 § 7752. PENALTIES FOR VIOLATION OF CHAPTER.

6 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTIONS [(B)  
7 AND (C),] (C) AND (D) AND UNLESS OTHERWISE PROVIDED IN THIS  
8 CHAPTER, [ANY] A PERSON [VIOLATING ANY OF THE PROVISIONS OF] WHO  
9 VIOLATES THIS CHAPTER [IS GUILTY OF] COMMITTS A SUMMARY OFFENSE  
10 AND SHALL, UPON CONVICTION:

11 (1) FOR A FIRST OFFENSE, BE SENTENCED TO PAY A FINE OF  
12 NOT LESS THAN [\$25] \$50 [NOR] OR MORE THAN [\$100] \$200 AND  
13 COSTS OF PROSECUTION AND, IN DEFAULT OF THE PAYMENT [THEREOF]  
14 OF THE FINE OR COSTS, SHALL [UNDERGO IMPRISONMENT] BE  
15 IMPRISONED FOR NOT MORE THAN TEN DAYS.

16 (2) FOR A [SECOND] SUBSEQUENT OFFENSE, BE SENTENCED TO  
17 PAY A FINE OF NOT LESS THAN [\$50] \$100 [NOR] OR MORE THAN  
18 [\$200] \$300 AND COSTS OF PROSECUTION AND, IN DEFAULT OF THE  
19 PAYMENT [THEREOF] OF THE FINE OR COSTS, SHALL [UNDERGO  
20 IMPRISONMENT] BE IMPRISONED FOR NOT MORE THAN 30 DAYS.

21 [(B) FAILURE TO OBTAIN LIABILITY INSURANCE.--ANY PERSON WHO  
22 FAILS TO OBTAIN LIABILITY INSURANCE REQUIRED PURSUANT TO THIS  
23 CHAPTER COMMITTS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE  
24 SENTENCED TO PAY A FINE OF \$300 WHICH SHALL BE RETURNED TO THE  
25 RESTRICTED RECEIPTS ACCOUNT CREATED PURSUANT TO THIS CHAPTER.]

26 (C) UNAUTHORIZED DISPOSITION OF FORMS.--[ANY] A PERSON WHO  
27 DISPOSES OF [ANY] A SUMMONS OR COMPLAINT ISSUED PURSUANT TO THIS  
28 CHAPTER IN [ANY OTHER] A MANNER OTHER THAN THAT PRESCRIBED BY  
29 LAW, RULE OR REGULATION [IS GUILTY OF] COMMITTS A MISDEMEANOR OF  
30 THE THIRD DEGREE.

(D) REGISTRATION [AND DECALS].--

(1) [ANY] A PERSON [VIOLATING] WHO VIOLATES SECTION [7713(A)] 7711.1 (RELATING TO [CERTIFICATES OF] REGISTRATION [AND DECALS] OF SNOWMOBILE OR ATV) OR SECTION 7711.2 (RELATING TO LIMITED REGISTRATION OF SNOWMOBILE OR ATV) BY FAILING TO OBTAIN [A] THE REQUIRED REGISTRATION CERTIFICATE [OF] 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 [IMPRISONMENT], 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) [ANY] A PERSON [VIOLATING] WHO VIOLATES SECTION [7713(A)] 7711.1 OR 7711.2 BY FAILING TO PROPERLY DISPLAY [A REGISTRATION NUMBER OR THE VALIDATION DECAL] 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.

SECTION 13. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

(1) THE AMENDMENT OR ADDITION OF 75 PA.C.S. §§ 102, 6129 AND 6313 SHALL TAKE EFFECT IN 60 DAYS.

(2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

(3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 120

1        DAYS.