
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 236 Session of
2001

INTRODUCED BY MADIGAN, STOUT, WENGER, PUNT, ROBBINS, THOMPSON,
TARTAGLIONE, M. WHITE AND WOZNIAK, JANUARY 23, 2001

REFERRED TO TRANSPORTATION, JANUARY 23, 2001

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, amending definitions; and further providing for
3 duration of lien recorded on certificate of title, for
4 registration of vehicles, for restrictions on use of highways
5 and bridges, for depositing waste and other material on
6 highway, property or water, for vehicle size and for powers
7 of local authorities.

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

10 Section 1. The definitions of "commercial implement of
11 husbandry," "farm equipment" and "implement of husbandry" in
12 section 102 of Title 75 of the Pennsylvania Consolidated
13 Statutes are amended to read:

14 § 102. Definitions.

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

20 * * *

1 "Commercial implement of husbandry." [A self-propelled
2 vehicle used commercially to apply nutrients, soil amendments or
3 chemicals for production agriculture and operated or moved upon
4 highways for not more than 180 days in a calendar year.] An
5 implement of husbandry that:

6 (1) Is a self-propelled vehicle.

7 (2) Is used commercially.

8 (3) Is operated or moved upon highways for not more than
9 180 days in a calendar year.

10 The term also includes any other vehicle determined by the
11 department to be a commercial implement of husbandry.

12 * * *

13 "Farm equipment." [A vehicle designed or used exclusively
14 for agricultural operations and only incidentally operated or
15 moved upon highways, including, but not limited to, farm
16 tractors, choppers and balers.] A vehicle that is specifically
17 designed and manufactured for and used exclusively in
18 agriculture to plant, seed, cultivate, harvest or apply soil
19 nutrients, fertilizers or chemicals. The term also includes any
20 other vehicle determined by the department to be farm equipment.

21 * * *

22 "Implement of husbandry." [A vehicle designed or adapted and
23 determined by the department to be used exclusively for
24 agricultural operations and infrequently operated or moved upon
25 highways.] Farm equipment that meets all of the following
26 criteria:

27 (1) Is equipped with pneumatic tires except if
28 prohibited by religious beliefs.

29 (2) Is infrequently operated or moved upon highways.

30 (3) Is used in agriculture for any of the following

1 purposes:

2 (i) performance of agriculture production or
3 harvesting activities for the farmer's agricultural
4 operations; or

5 (ii) transportation of agricultural products or
6 agricultural supplies for the benefit of the farmer's
7 agricultural operations.

8 The term also includes earthmoving equipment and any other
9 vehicle determined by the department to be an implement of
10 husbandry.

11 * * *

12 Section 2. Sections 1138(a), 3709(d)(1) and 4703(b) of Title
13 75 are amended to read:

14 § 1138. Duration of lien recorded on certificate of title.

15 (a) General rule.--A security interest recorded on a
16 certificate of title is effective for a period of [15] 30 years
17 in the case of a mobile home or emergency vehicle, eight years
18 in the case of a truck tractor or trailer weighing in excess of
19 10,000 pounds and six years in all other cases dating from the
20 time of perfection as provided for in this subchapter.

21 * * *

22 § 3709. Depositing waste and other material on highway,
23 property or waters.

24 * * *

25 (d) Penalty.--Any person violating any of the provisions of
26 subsection (a) or (b) [is guilty of] commits a summary offense
27 and shall, upon conviction, be sentenced to either or both of
28 the following:

29 (1) To pay a fine of not more than [~~\$300.~~]:

30 (i) \$900 for a violation which occurs in an easement

purchased under the program established by section 14.1
of the act of June 30, 1981 (P.L.128, No.43), known as
the Agricultural Area Security Law;

(ii) \$600 for a violation which occurs in an
agricultural security area as defined in section 3 of the
Agricultural Area Security Law; or

(iii) \$300 for a violation which occurs anywhere
else.

* * *

§ 4703. Operation of vehicle without official certificate of
inspection.

* * *

(b) Exceptions.--Subsection (a) does not apply to:

(1) Special mobile equipment.

(2) Implements of husbandry.

(2.1) Registered commercial implement of husbandry with
an implement of husbandry body-type.

(3) Motor vehicles being towed.

(4) Motor vehicles being operated or trailers being
towed by an official inspection station owner or employee for
the purpose of inspection.

(5) Trailers having a registered gross weight of 3,000
pounds or less.

(6) Motorized pedalcycles.

(7) Vehicles being repossessed by a [financer] financier
or collector-repossessor [through the use of] business or
vehicles enroute to a wholesale vehicle auction by a
transporter business using the appropriate miscellaneous
motor vehicle business registration plates.

(8) New vehicles while they are in the process of

1 manufacture, including testing, and not in transit from the
2 manufacturer to a purchaser or dealer.

3 (9) Any military vehicle used for training by a private,
4 nonprofit, tax exempt military educational institution when
5 such vehicle does not travel on public roads in excess of one
6 mile and the property on both sides of the public road is
7 owned by the institution.

8 (10) A motor vehicle registered as an antique pursuant
9 to section 1340 (relating to antique, classic and collectible
10 plates).

11 (11) A motor vehicle being operated by the vehicle owner
12 while enroute to an inspection station where an appointment
13 for inspection has been scheduled, provided that such
14 operation occurs no later than ten days after the expiration
15 of a valid certificate of inspection issued under this
16 chapter.

17 (13) New vehicles in the possession of a second-stage
18 manufacturer which are in transit:

19 (i) from a dealer or distributor for completion; or

20 (ii) to a dealer or distributor upon completion.

21 * * *

22 Section 3. Section 4901 of Title 75 is amended by adding a
23 subsection to read:

24 § 4901. Scope and application of chapter.

25 * * *

26 (d) Responsibility of local authorities.--Local authorities
27 have the burden and responsibility to properly administer,
28 adhere to and enforce compliance with the requirements of this
29 chapter and the regulations of the department. Failure of a
30 local authority to properly administer, adhere to or enforce the

1 substantive requirements of this chapter and the department's
2 regulations shall subject the local authority to penalties set
3 forth under section 4907 (relating to penalty for violation of
4 chapter).

5 Section 4. Section 4902 of Title 75 is amended to read:

6 § 4902. Restrictions on use of highways and bridges.

7 (a) Restrictions based on condition of highway or bridge.--

8 The Commonwealth and local authorities with respect to highways
9 and bridges under their jurisdictions may prohibit the operation
10 of vehicles and may impose restrictions as to the weight or size
11 of vehicles operated upon a highway or bridge [whenever] only
12 when they determine by conducting an engineering and traffic
13 study as provided for in department regulations that the highway
14 or bridge may be damaged or destroyed unless use by vehicles is
15 prohibited or the permissible size or weight of vehicles is
16 reduced. School buses, emergency vehicles and vehicles making
17 local deliveries or pickups may be exempted from restrictions on
18 the use of highways imposed under this subsection.

19 (b) Restrictions based on traffic conditions.--The
20 Commonwealth and local authorities with respect to highways and
21 bridges under their jurisdictions may prohibit the operation of
22 vehicles and may impose restrictions as to the weight or size of
23 vehicles operated upon a highway or bridge whenever they
24 determine that hazardous traffic conditions or other safety
25 factors require such a prohibition or restriction. School buses,
26 emergency vehicles and vehicles making local deliveries or
27 pickups may be exempted from restrictions on the use of highways
28 imposed under this subsection.

29 (c) Permits and security.--The Commonwealth and local
30 authorities may issue permits for movement of vehicles of size

1 and weight in excess of restrictions promulgated under
2 subsections (a) and (b) with respect to highways and bridges
3 under their jurisdiction and may require such undertaking or
4 security as they deem necessary to cover the cost of repairs and
5 restoration necessitated by the permitted movement of vehicles.
6 In reference to subsection (a), the Commonwealth and local
7 authorities shall not refuse to issue a permit with respect to a
8 highway under their jurisdiction if there is no reasonable
9 alternate route available. For purposes of this section,
10 "reasonable alternate route" shall mean a route meeting the
11 criteria set forth in department regulations relating to traffic
12 and engineering studies.

13 (d) Designation of alternate routes.--

14 (1) In conjunction with the exercise of the powers set
15 forth in subsections (a) and (b), the Commonwealth may
16 designate alternate routes for vehicles in excess of
17 specified weights or sizes. Such alternate routes may utilize
18 portions of the Pennsylvania Turnpike.

19 (2) In conjunction with the exercise of the powers set
20 forth in subsection (c), when refusing to issue a permit with
21 respect to a highway under their jurisdiction, the
22 Commonwealth and local authorities may conduct or cause to be
23 conducted an alternate route study. The elements of an
24 engineering and traffic study conducted to designate an
25 alternate route pursuant to this section shall consist of the
26 same elements found in department regulations.

27 (e) Erection of signs.--The Commonwealth and local
28 authorities shall erect or cause to be erected and maintained
29 restriction signs designating the restrictions within 25 feet of
30 each end of a bridge or portion of highway restricted as

1 provided in subsection (a) or (b). In the case of a restriction
2 on a bridge or on a highway which does not begin or end at an
3 intersection with an unrestricted highway, the Commonwealth or
4 local authorities shall also place an advance informational sign
5 at the intersection nearest each end of the restricted bridge or
6 portion of highway which would allow drivers to avoid the
7 restricted bridge or portion of highway. No person shall be
8 convicted of violating subsection (a) or (b) unless the
9 restriction sign designating the restricted bridge or portion of
10 highway to traffic moving in the direction the person was
11 driving was posted as required in this subsection. However,
12 failure to post the restriction sign designating the restricted
13 bridge or portion of highway to traffic moving in the opposite
14 direction or failure to post any advance informational sign
15 shall not constitute a defense to a violation of this section.

16 (f) Actions to be in accordance with department
17 regulations.--All actions taken under authority of this section
18 shall be taken in accordance with department regulations.

19 (f.1) Local ordinances superseded.--Notwithstanding any
20 other provision of law, local authorities are prohibited from
21 enacting or enforcing any ordinance on a matter inconsistent
22 with the provisions contained in this section.

23 (g) Penalty.--

24 (1) Any person operating a vehicle or combination upon a
25 highway or bridge in violation of a prohibition or
26 restriction imposed under subsection (a) is guilty of a
27 summary offense and shall, upon conviction, be sentenced to
28 pay a fine of \$75, except that any person convicted of
29 operating a vehicle with a gross weight in excess of a posted
30 weight shall, upon conviction, be sentenced to pay a fine of

1 \$150 plus \$150 for each 500 pounds, or part thereof, in
2 excess of 3,000 pounds over the maximum allowable weight.

3 (2) Any person operating a vehicle or combination in
4 violation of a prohibition or restriction imposed under
5 subsection (b) is guilty of a summary offense and shall, upon
6 conviction, be sentenced to pay a fine of not less than \$25
7 and not more than \$100.

8 Section 5. Section 4907 of Title 75 is amended by adding a
9 subsection to read:

10 § 4907. Penalty for violation of chapter.

11 * * *

12 (e) Failure to properly administer, adhere to and enforce
13 the requirements of this chapter.--When it is determined in a
14 summary proceeding that a local authority failed to comply with
15 any of the requirements of this chapter or the department's
16 concomitant regulations, the following shall occur:

17 (1) The local authority shall be liable for the costs
18 for scheduling and conducting the proceeding and for the
19 costs incurred to respond to and defend against the charges.
20 The costs shall be assessed by the district justice and
21 payable within 30 days of assessment.

22 (2) The local authority shall forfeit any right of
23 recovery for the cost of any repairs and restoration
24 necessitated by the movement of vehicles upon highways or
25 bridges.

26 Section 6. Section 4921(b) of Title 75 is amended to read:

27 § 4921. Width of vehicles.

28 * * *

29 (b) Special vehicles.--

30 (1) Any implement of husbandry or vehicle loaded with

1 vegetable produce or forage crops and not exceeding ten feet
2 in width may be driven, hauled or towed between sunrise and
3 sunset on highways other than freeways.

4 (2) Any implement of husbandry not exceeding 14 feet 6
5 inches in width may be driven, hauled or towed between
6 sunrise and sunset on highways other than freeways [between]:

7 (i) [Parts] Between parts of one farm owned or
8 operated by the owner of the implement of husbandry.

9 (ii) [Farms] Between farms owned or operated by the
10 owner of the implement of husbandry located not more than
11 50 miles apart.

12 (iii) Between:

13 (A) [Farms] farms; or

14 (B) a farm owned or operated by a farmer and a
15 place of business of a mechanic or dealer in
16 implements of husbandry;
17 located not more than [100] 150 miles away for the
18 purpose of buying, selling, trading, loaning and leasing,
19 demonstrating, repairing or servicing the implement of
20 husbandry.

21 (3) Special mobile equipment not exceeding nine feet two
22 inches in width may be driven, hauled or towed between
23 sunrise and sunset on highways other than freeways.

24 (4) The department may regulate the operation of special
25 vehicles subject to this subsection which regulations may
26 prohibit the operation of special vehicles on certain days or
27 during certain hours.

28 (5) An implement of husbandry or vehicle used
29 exclusively for highly perishable crops for processing and
30 not exceeding 14 feet 6 inches in width may be operated on

1 highways other than freeways between sunset and sunrise only
2 during the period of May 20 to October 15. The implement or
3 vehicle, when used at this time, shall have two rotating
4 yellow beacons and vehicular hazard signal lamps operating.

5 (6) Commercial implements of husbandry not exceeding 12
6 feet in width, including wheels and tires, may be driven,
7 hauled or towed between sunrise and sunset on highways other
8 than freeways.

9 * * *

10 Section 7. Section 9017 of Title 75 is amended by adding a
11 subsection to read:

12 § 9017. Refunds.

13 * * *

14 (e.2) Agricultural power takeoff.--A person shall be
15 reimbursed the full amount of the tax imposed by this chapter if
16 the person uses or buys liquid fuels or fuels on which the tax
17 imposed by this chapter has been paid and consumes them to load
18 for delivery or to unload at a farm feed, feed products, lime or
19 limestone products for agricultural use from a vehicle by means
20 of a power takeoff, provided the fuel usage is documented only
21 by an electronic monitoring device used in conjunction with an
22 electronically controlled engine. Reimbursements shall be
23 documented only as provided in this subsection, and no
24 reimbursement shall be based upon any form of alternative
25 documentation. Claims for reimbursement shall be filed with the
26 department on a quarterly basis and must be filed within 60 days
27 following the end of the quarter for which reimbursement is
28 being claimed. The provisions of subsection (f), except for the
29 filing fee provision, shall apply to claims for reimbursement
30 under this subsection to the extent they are not inconsistent

1 with this subsection.

2 * * *

3 Section 8. This act shall take effect as follows:

4 (1) The amendment of 75 Pa.C.S. § 1138(a) shall take
5 effect in 120 days.

6 (2) This section shall take effect immediately.

7 (3) The remainder of this act shall take effect in 60
8 days.