

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 236 Session of
2001

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

AS AMENDED ON THIRD CONSIDERATION, FEBRUARY 13, 2001

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, amending definitions; ~~and further providing~~ FURTHER <—
3 PROVIDING FOR IMPLEMENTS OF HUSBANDRY, for duration of lien
4 recorded on certificate of title, for ~~registration of~~ <—
5 ~~vehicles~~ CERTIFICATE OF INSPECTION, for restrictions on use <—
6 of highways and bridges, for depositing waste and other
7 material on highway, property or water, for ~~vehicle size and~~ <—
8 ~~for powers~~ POWERS AND RESPONSIBILITIES of local authorities <—
9 AND PENALTIES RELATED THERETO AND FOR REFUNDS. <—

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

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

16 § 102. Definitions.

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

1 * * *

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

7 (1) Is a self-propelled vehicle.

8 (2) Is used commercially.

9 (3) Is operated or moved upon highways for not more than
10 180 days in a calendar year.

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

13 * * *

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

22 * * *

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

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

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

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

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

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

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

* * *

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

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

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

* * *

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

* * *

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

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

1 (i) \$900 for a violation which occurs in an easement
2 purchased under the program established by section 14.1
3 of the act of June 30, 1981 (P.L.128, No.43), known as
4 the Agricultural Area Security Law;

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

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

10 * * *

11 § 4703. Operation of vehicle without official certificate of
12 inspection.

13 * * *

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

15 (1) Special mobile equipment.

16 (2) Implements of husbandry.

17 (2.1) Registered commercial implement of husbandry with
18 an implement of husbandry body-type.

19 (3) Motor vehicles being towed.

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

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

25 (6) Motorized pedalcycles.

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

1 (8) New vehicles while they are in the process of
2 manufacture, including testing, and not in transit from the
3 manufacturer to a purchaser or dealer.

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

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

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

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

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

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

22 * * *

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

25 § 4901. Scope and application of chapter.

26 * * *

27 (d) Responsibility of local authorities.--Local authorities
28 that have adopted an ordinance under this chapter have the
29 burden and responsibility to properly administer, adhere to and
30 enforce compliance with the requirements of this chapter and the

regulations of the department. Failure of a local authority to properly administer, adhere to or enforce the substantive requirements of this chapter and the department's regulations shall subject the local authority to penalties set forth under section 4907 (relating to penalty for violation of chapter).

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

§ 4902. Restrictions on use of highways and bridges.

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

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

(c) Permits and security.--The Commonwealth and local

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

14 (d) Designation of alternate routes.--

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

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

28 (e) Erection of signs.--The Commonwealth and local
29 authorities shall erect or cause to be erected and maintained
30 restriction signs designating the restrictions within 25 feet of

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

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

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

24 (g) Penalty.--

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

weight shall, upon conviction, be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.

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

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

§ 4907. Penalty for violation of chapter.

* * *

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

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

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

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

§ 4921. Width of vehicles.

* * *

(b) Special vehicles.--

(1) Any implement of husbandry or vehicle loaded with vegetable produce or forage crops and not exceeding ten feet in width may be driven, hauled or towed between sunrise and sunset on highways other than freeways.

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

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

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

(iii) Between:

(A) [Farms] farms; or

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

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

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

(5) An implement of husbandry or vehicle used

1 exclusively for highly perishable crops for processing and
2 not exceeding 14 feet 6 inches in width may be operated on
3 highways other than freeways between sunset and sunrise only
4 during the period of May 20 to October 15. The implement or
5 vehicle, when used at this time, shall have two rotating
6 yellow beacons and vehicular hazard signal lamps operating.

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

11 * * *

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

14 § 9017. Refunds.

15 * * *

16 (e.2) Agricultural power takeoff.--A person shall be
17 reimbursed the full amount of the tax imposed by this chapter if
18 the person uses or buys liquid fuels or fuels on which the tax
19 imposed by this chapter has been paid and consumes them to load
20 for delivery or to unload at a farm feed, feed products, lime or
21 limestone products for agricultural use from a vehicle by means
22 of a power takeoff, provided the fuel usage is documented only
23 by an electronic monitoring device used in conjunction with an
24 electronically controlled engine. Reimbursements shall be
25 documented only as provided in this subsection, and no
26 reimbursement shall be based upon any form of alternative
27 documentation. Claims for reimbursement shall be filed with the
28 department on a quarterly basis and must be filed within 60 days
29 following the end of the quarter for which reimbursement is
30 being claimed. The provisions of subsection (f), except for the

1 filing fee provision, shall apply to claims for reimbursement
2 under this subsection to the extent they are not inconsistent
3 with this subsection.

4 * * *

5 Section 8. The addition of 75 Pa.C.S. § 9017(e.2) shall
6 apply to liquid fuels and fuels consumed on or after the first
7 day of the first full calendar quarter following the effective
8 date of this act.

9 Section 9. This act shall take effect as follows:

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

12 (2) This section shall take effect immediately.

13 (3) The remainder of this act shall take effect in 60
14 days.