
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, KASUNIC
AND LEMMOND, JANUARY 23, 2001

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 13, 2001

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, amending definitions; further providing for
3 implements of husbandry, for duration of lien recorded on
4 certificate of title, for certificate of inspection, for
5 restrictions on use of highways and bridges, for depositing
6 waste and other material on highway, property or water, for
7 powers and responsibilities of local authorities and
8 penalties related thereto and for refunds.

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

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

15 § 102. Definitions.

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

1 indicates otherwise, the meanings given to them in this section:

2 * * *

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

8 (1) Is a self-propelled vehicle.

9 (2) Is used commercially.

10 (3) Is operated or moved upon highways for not more than
11 180 days in a calendar year.

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

14 * * *

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

23 * * *

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

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

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

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

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

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

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

13 * * *

14 Section 2. Sections 1138(a), 3709(d)(1) and 4703(b) of Title
15 75 are amended to read:

16 § 1138. Duration of lien recorded on certificate of title.

17 (a) General rule.--A security interest recorded on a
18 certificate of title is effective for a period of [15] 30 years
19 in the case of a mobile home or emergency vehicle, eight years
20 in the case of a truck tractor or trailer weighing in excess of
21 10,000 pounds and six years in all other cases dating from the
22 time of perfection as provided for in this subchapter.

23 * * *

24 § 3709. Depositing waste and other material on highway,
25 property or waters.

26 * * *

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

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

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

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

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

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

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

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

(ii) to a dealer or distributor upon completion.

* * *

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

§ 4901. Scope and application of chapter.

* * *

~~(d) Responsibility of local authorities. Local authorities that have adopted an ordinance under this chapter have the~~

(D) RESPONSIBILITY OF LOCAL AUTHORITIES.--LOCAL AUTHORITIES:

1 (1) THAT HAVE ADOPTED AN ORDINANCE UNDER THIS CHAPTER;

2 OR

3 (2) THAT ESTABLISH OR ENFORCE SIZE OR WEIGHT LIMITATIONS

4 WHICH DIFFER FROM THOSE PROVIDED FOR IN THIS CHAPTER, HAVE

5 THE burden and responsibility to properly administer, adhere

6 to and enforce compliance with the requirements of this

7 chapter and the regulations of the department. Failure of a

8 local authority to properly administer, adhere to or enforce

9 the substantive requirements of this chapter and the

10 department's regulations shall subject the local authority to

11 penalties set forth under section 4907 (relating to penalty

12 for violation of chapter).

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

14 § 4902. Restrictions on use of highways and bridges.

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

16 The Commonwealth and local authorities with respect to highways

17 and bridges under their jurisdictions may prohibit the operation

18 of vehicles and may impose restrictions as to the weight or size

19 of vehicles operated upon a highway or bridge [whenever] only

20 when they determine by conducting an engineering and traffic

21 study as provided for in department regulations that the highway

22 or bridge may be damaged or destroyed unless use by vehicles is

23 prohibited or the permissible size or weight of vehicles is

24 reduced. School buses, emergency vehicles and vehicles making

25 local deliveries or pickups may be exempted from restrictions on

26 the use of highways imposed under this subsection.

27 (b) Restrictions based on traffic conditions.--The

28 Commonwealth and local authorities with respect to highways and

29 bridges under their jurisdictions may prohibit the operation of

30 vehicles and may impose restrictions as to the weight or size of

1 vehicles operated upon a highway or bridge whenever they
2 determine that hazardous traffic conditions or other safety
3 factors require such a prohibition or restriction. School buses,
4 emergency vehicles and vehicles making local deliveries or
5 pickups may be exempted from restrictions on the use of highways
6 imposed under this subsection.

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

21 (d) Designation of alternate routes.--

22 (1) In conjunction with the exercise of the powers set
23 forth in subsections (a) and (b), the Commonwealth may
24 designate alternate routes for vehicles in excess of
25 specified weights or sizes. Such alternate routes may utilize
26 portions of the Pennsylvania Turnpike.

27 (2) In conjunction with the exercise of the powers set
28 forth in subsection (c), when refusing to issue a permit with
29 respect to a highway under their jurisdiction, the
30 Commonwealth and local authorities may conduct or cause to be

1 conducted an alternate route study. The elements of an
2 engineering and traffic study conducted to designate an
3 alternate route pursuant to this section shall consist of the
4 same elements found in department regulations.

5 (e) Erection of signs.--The Commonwealth and local
6 authorities shall erect or cause to be erected and maintained
7 restriction signs designating the restrictions within 25 feet of
8 each end of a bridge or portion of highway restricted as
9 provided in subsection (a) or (b). In the case of a restriction
10 on a bridge or on a highway which does not begin or end at an
11 intersection with an unrestricted highway, the Commonwealth or
12 local authorities shall also place an advance informational sign
13 at the intersection nearest each end of the restricted bridge or
14 portion of highway which would allow drivers to avoid the
15 restricted bridge or portion of highway. No person shall be
16 convicted of violating subsection (a) or (b) unless the
17 restriction sign designating the restricted bridge or portion of
18 highway to traffic moving in the direction the person was
19 driving was posted as required in this subsection. However,
20 failure to post the restriction sign designating the restricted
21 bridge or portion of highway to traffic moving in the opposite
22 direction or failure to post any advance informational sign
23 shall not constitute a defense to a violation of this section.

24 (f) Actions to be in accordance with department
25 regulations.--All actions taken under authority of this section
26 shall be taken in accordance with department regulations.

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

(g) Penalty.--

(1) Any person operating a vehicle or combination upon a highway or bridge in violation of a prohibition or restriction imposed under subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75, except that any person convicted of 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~~ HAS 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.

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

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

6 § 4921. Width of vehicles.

7 * * *

8 (b) Special vehicles.--

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

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

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

18 (ii) [Farms] Between farms owned or operated by the
19 owner of the implement of husbandry located not more than
20 50 miles apart.

21 (iii) Between:

22 (A) [Farms] farms; or

23 (B) a farm owned or operated by a farmer and a
24 place of business of a mechanic or dealer in
25 implements of husbandry;

26 located not more than [100] 150 miles away for the
27 purpose of buying, selling, trading, loaning and leasing,
28 demonstrating, repairing or servicing the implement of
29 husbandry.

30 (3) Special mobile equipment not exceeding nine feet two

1 inches in width may be driven, hauled or towed between
2 sunrise and sunset on highways other than freeways.

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

7 (5) An implement of husbandry or vehicle used
8 exclusively for highly perishable crops for processing and
9 not exceeding 14 feet 6 inches in width may be operated on
10 highways other than freeways between sunset and sunrise only
11 during the period of May 20 to October 15. The implement or
12 vehicle, when used at this time, shall have two rotating
13 yellow beacons and vehicular hazard signal lamps operating.

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

18 * * *

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

21 § 9017. Refunds.

22 * * *

23 (e.2) Agricultural power takeoff.--A person shall be
24 reimbursed the full amount of the tax imposed by this chapter if
25 the person uses or buys liquid fuels or fuels on which the tax
26 imposed by this chapter has been paid and consumes them to load
27 for delivery or to unload at a farm feed, feed products, lime or
28 limestone products for agricultural use from a vehicle by means
29 of a power takeoff, provided the fuel usage is documented only
30 by an electronic monitoring device used in conjunction with an

electronically controlled engine. Reimbursements shall be documented only as provided in this subsection, and no reimbursement shall be based upon any form of alternative documentation. Claims for reimbursement shall be filed with the department on a quarterly basis and must be filed within 60 days following the end of the quarter for which reimbursement is being claimed. The provisions of subsection (f), except for the filing fee provision, shall apply to claims for reimbursement under this subsection to the extent they are not inconsistent with this subsection.

* * *

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

Section 9. This act shall take effect as follows:

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

(2) This section shall take effect immediately.

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