

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 249 Session of 2009

INTRODUCED BY GORDNER, BAKER, FOLMER, TARTAGLIONE, FERLO,
KASUNIC, WOZNIAK, MUSTO, ALLOWAY AND O'PAKE,
FEBRUARY 19, 2009

REFERRED TO TRANSPORTATION, FEBRUARY 19, 2009

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in snowmobiles and all-terrain vehicles, further
3 providing for operation on State or private property and for
4 penalties for violation of chapter.

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

7 Section 1. Sections 7724 and 7752 of Title 75 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 7724. Operation on private or State property.

10 (a) Private real property.--

11 (1) No person shall operate a snowmobile or an ATV on
12 private real property without the consent of the owner
13 thereof. Any person operating a snowmobile or an ATV upon
14 lands of another shall stop and identify himself upon the
15 request of the landowner or his duly authorized
16 representatives and, if requested to do so by the landowner,
17 shall promptly remove the snowmobile or ATV from the
18 premises.

1 [(2) When a person operates a snowmobile or an ATV in a
2 manner as to violate section 3717 (relating to trespass by
3 motor vehicle), the applicable fines, penalties and
4 suspensions provided in this title for violation of section
5 3717 shall apply to this subsection.]

6 (2.1) (i) No person shall knowingly or recklessly cause
7 damage to any real or personal property by means of the
8 unauthorized operation of an ATV or snowmobile on private
9 real property.

10 (ii) There shall be a rebuttable presumption that a
11 person has knowingly or recklessly caused damage under
12 this paragraph where digging, ground breakage or other
13 damage to land, sod or soil or damage to trees, growing
14 crops, ornamental flowers or shrubs or other similar
15 flora affixed to the land or to structures, fixtures or
16 personal property affixed to or located on the private
17 real property has resulted from the operation of an ATV
18 or snowmobile on the private real property.

19 (2.2) (i) No person shall knowingly operate an ATV or
20 snowmobile on cultivated agricultural land of another
21 without the consent of the owner or lessor.

22 (ii) There shall be a rebuttable presumption that a
23 person has knowingly operated a motor vehicle on
24 cultivated agricultural land if there are agricultural
25 crops or residue from the crops visible on the land or if
26 the owner or lessor of the land has placed near the
27 roadside boundaries of the property visible signs which
28 would easily convey to the operator of an ATV or
29 snowmobile that the land is cultivated agricultural land
30 and that operation of a motor vehicle on it is

1 prohibited.

2 (iii) For purposes of this paragraph, the term
3 "cultivated agricultural land" includes land which is or
4 has been recently groomed or prepared for the purpose of
5 present or future commercial or private agricultural,
6 silvicultural, horticultural or floricultural production,
7 whether or not the land is currently in seed or
8 sustaining growing crops.

9 (b) State property.--

10 (1) No person shall operate a snowmobile or an ATV on
11 State-owned property except on clearly marked and previously
12 designated snowmobile or ATV routes or as expressly permitted
13 by the Commonwealth.

14 (2) (i) The department may designate any road within a
15 State Park or State Forest over which the department has
16 jurisdiction as a snowmobile road or an ATV road, or
17 both, and may, in its discretion, determine whether the
18 road shall be closed to vehicular traffic or whether
19 snowmobiles and ATV's may share the designated road with
20 vehicular traffic. Adequate notices of such designation
21 and determination shall be sufficiently and prominently
22 displayed.

23 (ii) No person shall operate a snowmobile or ATV on
24 State park or State forest land except as follows:

25 (A) A person may operate a snowmobile on a road,
26 trail or area that is designated and marked by the
27 department as open for snowmobile use or on which the
28 person has been given specific written permission to
29 operate the snowmobile.

30 (B) A person may operate a Class I ATV on a

1 road, trail or area that is designated and marked by
2 the department as open for ATV use or on which the
3 person has been given specific written permission to
4 operate the ATV.

5 (C) A person may operate a Class II ATV on a
6 road, trail or area if the person has been given
7 specific written permission by the department to
8 operate a Class II ATV on the road, trail or area.

9 (c) Restitution.--In addition to penalties provided under
10 section 7752 (relating to penalties for violation of chapter),
11 any person convicted of a violation of this section shall be
12 responsible for restitution for the value of damage to real or
13 personal property which results from the violation of this
14 section.

15 § 7752. Penalties for violation of chapter.

16 (a) General rule.--Except as provided in subsections (c)
17 [and (d)], (d), (e) and (f) and unless otherwise provided in
18 this chapter, a person who violates this chapter commits a
19 summary offense and shall, upon conviction:

20 (1) For a first offense, be sentenced to pay a fine of
21 not less than [\$50] \$75 nor more than [\$200] \$300 and costs
22 of prosecution and, in default of the payment of the fine or
23 costs, shall be imprisoned for not more than ten days.

24 (2) For a subsequent offense, be sentenced to pay a fine
25 of not less than [\$100] \$300 nor more than [\$300] \$1,000 and
26 costs of prosecution and, in default of the payment of the
27 fine or costs, shall be imprisoned for not more than 30 days.

28 (c) Unauthorized disposition of forms.--A person who
29 disposes of a summons or complaint issued pursuant to this
30 chapter in a manner other than that prescribed by law, rule or

1 regulation commits a misdemeanor of the third degree.

2 (d) Registration.--

3 (1) A person who violates section 7711.1 (relating to
4 registration of snowmobile or ATV) or 7711.2 (relating to
5 limited registration of snowmobile or ATV) by failing to
6 obtain the required registration certificate or limited
7 registration certificate commits a summary offense and shall,
8 upon conviction, be sentenced to pay a fine of \$300 or to be
9 imprisoned for 90 days, or both, and costs of prosecution.
10 Proceedings for a summary offense under this paragraph must
11 be commenced within 60 days after commission of the alleged
12 offense or within 60 days after discovery of the commission
13 of the offense or the identity of the offender, whichever is
14 later.

15 (2) A person who violates section 7711.1 or 7711.2 by
16 failing to properly display the required registration decal
17 or plate commits a summary offense and shall, upon
18 conviction, be sentenced to pay a fine of \$50 and costs of
19 prosecution.

20 (3) A person who violates section 7711.1 by failing to
21 properly display the required expiration sticker or by
22 failing to carry the required registration certificate
23 commits a summary offense and shall, upon conviction, be
24 sentenced to pay a fine of \$50 and costs of prosecution.

25 (e) Trespass and property damage.--A person who violates
26 section 7724 (relating to operation on private or State
27 property) commits a summary offense and shall, upon conviction:

28 (1) For a first offense, be sentenced to pay a fine of
29 not less than \$250 nor more than \$500 and costs of
30 prosecution and, in default of the payment of the fine or

1 costs, shall be imprisoned for not more than ten days.

2 (2) For a subsequent offense, be sentenced to pay a fine
3 of not less than \$500 nor more than \$1,000 and costs of
4 prosecution and, in default of the payment of the fine or
5 costs, shall be imprisoned for not more than 30 days.

6 (f) Operation in a safe manner.--A person who violates
7 section 7726 (relating to operation in safe manner) commits a
8 summary offense and shall, upon conviction:

9 (1) For a first offense, be sentenced to pay a fine of
10 not less than \$250 nor more than \$500 and costs of
11 prosecution and, in default of the payment of the fine or
12 costs, shall be imprisoned for not more than ten days.

13 (2) For a subsequent offense, be sentenced to pay a fine
14 of not less than \$500 nor more than \$1,000 and costs of
15 prosecution and, in default of the payment of the fine or
16 costs, shall be imprisoned for not more than 30 days.

17 (3) For any violation of section 7726(a)(3), be
18 sentenced to pay a fine of not less than \$1,000 and cost of
19 prosecution and in default of the payment of the fine or
20 costs shall be imprisoned for not more than 30 days.

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