

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 390 Session of 2011

INTRODUCED BY BRUBAKER, SCARNATI, ROBBINS, TARTAGLIONE, FOLMER, SMUCKER, ARGALL, YAW, VOGEL, ERICKSON, D. WHITE, EICHELBERGER, WOZNIAK, ALLOWAY, COSTA, SOLOBAY, WAUGH, BOSCOLA, GREENLEAF, KASUNIC, WARD, WILLIAMS, MENSCH, BAKER AND M. WHITE, FEBRUARY 4, 2011

REFERRED TO TRANSPORTATION, FEBRUARY 4, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
 2 Statutes, in general provisions, further providing for
 3 definitions; in registration of vehicles, further providing
 4 for vehicles exempt from registration and for use of farm
 5 vehicle plates; in commercial drivers, further providing for
 6 definitions; and in inspection of vehicles, further providing
 7 for requirement for periodic inspection of vehicles, for
 8 operation of vehicle without official certificate of
 9 inspection, for securing loads in vehicles, for width of
 10 vehicles and for registered gross weight.

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

13 Section 1. The definition of "commercial implement of
 14 husbandry" in section 102 of Title 75 of the Pennsylvania
 15 Consolidated Statutes is amended and the section is amended by
 16 adding a definition to read:

17 § 102. Definitions.

18 Subject to additional definitions contained in subsequent
 19 provisions of this title which are applicable to specific
 20 provisions of this title, the following words and phrases when

1 used in this title shall have, unless the context clearly
2 indicates otherwise, the meanings given to them in this section:

3 * * *

4 "Commercial implement of husbandry." An implement of
5 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 (4) Is not a custom farm service implement of husbandry.

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

13 * * *

14 "Custom farm service implement of husbandry." Farm equipment
15 that meets all of the following criteria:

- 16 (1) Is equipped with pneumatic tires except where
17 prohibited by religious beliefs.
- 18 (2) Is infrequently operated or moved upon highways.
- 19 (3) Is owned by a person who owns or operates a farm.
- 20 (4) Is used to perform any of the following agricultural
21 services on farms other than farms owned or operated by the
22 owner of the vehicle:

- 23 (i) performance of agriculture production or
24 harvesting activities; or
- 25 (ii) transportation of agricultural products or
26 agricultural supplies.

27 The term applies regardless of whether or not a fee is charged.

28 * * *

29 Section 2. Section 1302(2), (10) and (17) of Title 75 are
30 amended to read:

1 § 1302. Vehicles exempt from registration.

2 The following types of vehicles are exempt from registration:

3 * * *

4 (2) Any implement of husbandry, custom farm service
5 implement of husbandry and any trailer or semitrailer
6 [determined by the department to be used exclusively for
7 agricultural operations and only infrequently operated upon
8 highways] towed or hauled by an implement of husbandry, or a
9 custom farm service implement of husbandry, exempt from
10 registration or by a farm vehicle. Vehicles exempt from
11 registration under this paragraph shall be used exclusively
12 upon a farm or farms owned or operated by the owner of the
13 vehicle or upon highways [between] subject to the following
14 limitations:

15 [(i) Parts of one such farm.

16 (ii) Such farms located not more than 25 miles
17 apart.

18 (iii) Such farm or farms and a place of business
19 located within a radius of 25 miles from such farm or
20 farms for the purpose of buying or selling agricultural
21 commodities or supplies or for delivery, repair or
22 servicing of the vehicle.]

23 (iv) For an implement of husbandry, a custom farm
24 service implement of husbandry or for a trailer or
25 semitrailer being towed or hauled by an implement of
26 husbandry, or custom farm service implement of husbandry,
27 between:

28 (A) Parts of one such farm.

29 (B) Such farms located not more than 50 miles
30 apart.

1 (C) Such farm or farms and a place of business
2 located within a radius of 50 miles from such farm or
3 farms for the purpose of buying or selling
4 agricultural commodities or supplies or for
5 delivering, repairing or servicing of the vehicle.

6 (D) Between farms serviced by the owner or
7 operator of the custom farm service implement of
8 husbandry located not more than 50 miles from the
9 origination point of the custom farm service
10 implement of husbandry.

11 (v) For a trailer or semitrailer being towed or
12 hailed by a farm vehicle exempt from registration under
13 paragraph (10), the areas where the towing or hauling
14 vehicle is authorized to be driven.

15 (vi) For a trailer or semitrailer being towed or
16 hailed by a farm vehicle bearing farm vehicle
17 registration plates under section 1344 (relating to use
18 of farm vehicle plates), between:

19 (A) Parts of one such farm.

20 (B) Such farms located not more than 50 miles
21 apart.

22 (C) Such farm or farms and a place of business
23 located within a radius of 50 miles from such farm or
24 farms for the purpose of buying or selling
25 agricultural commodities or supplies or for
26 delivering, repairing or servicing of the vehicle.

27 * * *

28 (10) Any farm vehicle used exclusively upon a farm or
29 farms owned or operated by the owner of the vehicle[.],
30 subject to the following:

1 (i) Type [I] A--Such a farm vehicle which does not
2 qualify as a motor carrier vehicle may be driven upon
3 highways only from sunrise to sunset[. However, a farm
4 vehicle which qualifies as a motor carrier vehicle and
5 displays a currently valid certificate of inspection may
6 be driven upon highways without any restriction as to
7 time. Such a farm vehicle may only be driven on highways]
8 and between:

9 (A) Parts of one such farm.

10 (B) Such farms located not more than 25 miles
11 apart.

12 (C) Such farm or farms and a place of business
13 located within a radius of 25 miles from such farm or
14 farms for the purpose of buying or selling
15 agricultural commodities or supplies.

16 (D) Such farm or farms and a place of business
17 located within a radius of 50 miles from such farm or
18 farms for the purpose of [repair] repairing or
19 servicing of the farm vehicle or the trailer or
20 semitrailer being towed or hauled by the farm
21 vehicle.

22 [(ii) Type II--Such a farm vehicle which does
23 qualify as a motor carrier vehicle and which does not
24 display a currently valid certificate of inspection may
25 be driven upon highways only from sunrise to sunset and
26 between:

27 (A) Parts of one such farm.

28 (B) Such farms located not more than ten miles
29 apart.

30 (C) Such farm or farms and a place of business

1 located within a radius of ten miles from such farm
2 or farms for the purpose of buying or selling
3 agricultural commodities or supplies.

4 (D) Such farm or farms and a place of business
5 located within a radius of 25 miles from such farm or
6 farms for the purpose of repair or servicing of the
7 farm vehicle.

8 (iii) A biennial certificate of exemption shall be
9 required for such a farm vehicle.

10 (iv) The owner of the farm vehicle shall maintain
11 such minimum levels of liability insurance coverage on
12 the vehicle as are required to be maintained under
13 Chapter 17 (relating to financial responsibility) by
14 owners of registered motor vehicles. The owner shall
15 satisfy the requirements of this subparagraph if the
16 minimum amounts of liability insurance coverage for the
17 farm vehicle have been provided under farm liability
18 insurance coverage maintained generally by the owner.
19 Coverage prescribed in Subchapter B of Chapter 17 shall
20 not be required to be maintained or provided for the farm
21 vehicle.]

22 (v) Type B--Such a farm vehicle which does qualify
23 as a motor carrier vehicle and which does not display a
24 currently valid certificate of inspection may be driven
25 upon highways only from sunrise to sunset and between:

26 (A) Parts of one such farm.

27 (B) Such farms located not more than ten miles
28 apart.

29 (C) Such farm or farms and a place of business
30 located within a radius of ten miles from such farm

1 or farms for the purpose of buying or selling
2 agricultural commodities or supplies.

3 (D) Such farm or farms and a place of business
4 located within a radius of 25 miles from such farm or
5 farms for the purpose of repairing or servicing of
6 the farm vehicle or the trailer or semitrailer being
7 towed or hauled by the farm vehicle.

8 (vi) Type C--Such a farm vehicle which does qualify
9 as a motor carrier vehicle and displays a currently valid
10 certificate of inspection may be driven without any
11 restriction as to time but may only be driven on highways
12 between:

13 (A) Parts of one such farm.

14 (B) Such farms located not more than 50 miles
15 apart.

16 (C) Such farm or farms and a place of business
17 located within a radius of 50 miles from such farm or
18 farms for the purpose of buying or selling
19 agricultural commodities or supplies or for repairing
20 or servicing of the farm vehicle or the trailer or
21 semitrailer being towed or hauled by the farm
22 vehicle.

23 (vii) A biennial certificate of exemption shall be
24 required for such a farm vehicle.

25 (viii) The owner of the farm vehicle shall maintain
26 such minimum levels of liability insurance coverage on
27 the vehicle as are required to be maintained under
28 Chapter 17 (relating to financial responsibility) by
29 owners of registered motor vehicles. The owner shall
30 satisfy the requirements of this subparagraph if the

1 minimum amounts of liability insurance coverage for the
2 farm vehicle have been provided under farm liability
3 insurance coverage maintained generally by the owner.
4 Coverage prescribed in Subchapter B of Chapter 17
5 (relating to motor vehicle liability insurance first
6 party benefits) shall not be required to be maintained or
7 provided for the farm vehicle.

8 * * *

9 (17) Any multipurpose agricultural vehicle. Vehicles
10 exempt from registration under this paragraph shall be used
11 exclusively upon a farm or farms owned or operated by the
12 owner of the vehicles or upon highways between:

13 (i) Parts of one such farm.

14 (ii) Such farms located not more than [two] five
15 miles apart.

16 * * *

17 Section 3. Section 1344 of Title 75 is amended by adding a
18 subsection to read:

19 § 1344. Use of farm vehicle plates.

20 * * *

21 (a.1) Applicability of other provisions.--A truck or truck
22 tractor bearing current farm vehicle registration plates shall
23 be deemed to be duly registered for purposes of section 1301
24 (relating to registration and certificate of title required),
25 notwithstanding the commission of any violation of this section.

26 * * *

27 Section 4. The definition of "commercial motor vehicle" in
28 section 1603 of Title 75 is amended to read:

29 § 1603. Definitions.

30 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 * * *

4 "Commercial motor vehicle." A motor vehicle designed or used
5 to transport passengers or property:

6 (1) if the vehicle has a gross vehicle weight rating of
7 26,001 or more pounds or such lesser rating as the department
8 shall adopt under the provisions of section 6103(c) (relating
9 to promulgation of rules and regulations by department), as
10 determined by Federal regulation and published by the
11 department as a notice in the Pennsylvania Bulletin;

12 (2) if the vehicle is designed to transport 16 or more
13 passengers, including the driver;

14 (3) if the vehicle is a school bus; or

15 (4) if the vehicle is transporting hazardous materials
16 and is required to be placarded in accordance with department
17 regulations.

18 The term does not include an antique or classic motor vehicle,
19 [or] an implement of husbandry or a custom farm service
20 implement of husbandry, or any motor home or recreational
21 trailer operated solely for personal use, or motorized
22 construction equipment, including, but not limited to,
23 motorscrapers, backhoes, motorgraders, compactors, excavators,
24 tractors, trenchers and bulldozers.

25 * * *

26 Section 5. Sections 4702(a), 4703(a), 4903(e), 4921(b) and
27 4942(c) of Title 75 are amended to read:

28 § 4702. Requirement for periodic inspection of vehicles.

29 (a) Annual safety inspection.--Except as provided in
30 subsection (b), the department shall establish a system of

1 annual safety inspection of vehicles, including emergency
2 vehicles, farm vehicles with a gross weight or gross vehicle
3 weight rating of greater than 17,000 pounds for which a Type [I]
4 C biennial certificate of exemption has been issued and private
5 noncommercial vehicles used to transport students.

6 * * *

7 § 4703. Operation of vehicle without official certificate of
8 inspection.

9 (a) General rule.--Except as otherwise provided in this
10 section, no motor vehicle required to bear current registration
11 plates issued by this Commonwealth and no farm vehicle with a
12 gross weight or gross vehicle weight rating of greater than
13 17,000 pounds for which a Type [I] C biennial certificate of
14 exemption has been issued shall be driven and no trailer
15 required to bear current registration plates issued by this
16 Commonwealth shall be moved on a highway and no mass transit
17 vehicle shall be operated unless the vehicle displays a
18 currently valid certificate of inspection issued under this
19 chapter.

20 * * *

21 § 4903. Securing loads in vehicles.

22 * * *

23 (e) Exceptions.--This section does not prohibit:

24 (1) the necessary spreading of any substance in highway
25 maintenance or construction operations; [or]

26 (2) the shedding or dropping of feathers or other matter
27 from vehicles hauling live or slaughtered birds or
28 animals[.]; or

29 (3) the transportation of agricultural products produced
30 by a farmer on highways other than freeways between farms

1 that the farmer owns or operates in the course of harvesting
2 or on-farm storage of the agricultural products, provided
3 that the vehicle is not operated or moved at a speed of
4 greater than 45 miles per hour. This paragraph applies
5 regardless of whether the transportation of agricultural
6 products is performed by the farmer or by another person who
7 performs custom harvesting services for the farmer.

8 * * *

9 § 4921. Width of vehicles.

10 * * *

11 (b) Special vehicles.--

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

16 (2) [Any] (i) Subject to the requirements prescribed
17 in subparagraph (ii), any implement of husbandry not
18 exceeding [14 feet 6 inches] 16 feet in width may be
19 driven, hauled or towed between sunrise and sunset on
20 highways other than freeways:

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

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

26 [(iii)] (C) Between:

27 [(A)] (I) farms; or

28 [(B)] (II) a farm owned or operated by a
29 farmer and a place of business of a mechanic or
30 dealer in implements of husbandry;

1 located not more than 150 miles away for the purpose
2 of buying, selling, trading, loaning and leasing,
3 demonstrating, repairing or servicing the implement
4 of husbandry.

5 (ii) An implement of husbandry exceeding 14 feet 6
6 inches but not exceeding 16 feet in width shall not be
7 driven, hauled or towed on any highway between sunrise
8 and sunset unless all of the following are met:

9 (A) the implement is equipped with reflective
10 edgemarks that are visible from the front and the
11 rear;

12 (B) the implement is equipped with and is
13 operating hazard lamps in accordance with the
14 regulations of the department; and

15 (C) the implement is equipped with and is
16 operating two rotating yellow beacons, or the
17 implement is preceded by a pilot vehicle that is
18 equipped with and is operating hazard lamps, and
19 displays an "oversize load" sign on the front of the
20 vehicle.

21 (2.1) (i) Subject to the requirements prescribed in
22 subparagraph (ii), any implement of husbandry not
23 exceeding 14 feet 6 inches in width may be driven, hauled
24 or towed between sunset and sunrise on highways other
25 than freeways:

26 (A) Between parts of one farm owned or operated
27 by the owner of the implement of husbandry.

28 (B) Between farms owned or operated by the owner
29 of the implement of husbandry located not more than
30 50 miles apart.

1 (C) Between:

2 (I) farms; or

3 (II) a farm owned or operated by a farmer
4 and a place of business of a mechanic or dealer
5 in implements of husbandry;

6 located not more than 150 miles away for the purpose
7 of buying, selling, trading, loaning and leasing,
8 demonstrating, repairing or servicing the implement
9 of husbandry.

10 (ii) An implement of husbandry exceeding 12 feet but
11 not exceeding 14 feet 6 inches in width shall not be
12 driven, hauled or towed on any highway between sunset and
13 sunrise unless all of the following are met:

14 (A) the implement is equipped with reflective
15 edgemarks that are visible from the front and the
16 rear;

17 (B) the implement is equipped with and is
18 operating hazard lamps in accordance with the
19 regulations of the department; and

20 (C) the implement is equipped with and is
21 operating two rotating yellow beacons, or the
22 implement is preceded by a pilot vehicle that is
23 equipped with and is operating hazard lamps, and
24 displays an "oversize load" sign on the front of the
25 vehicle.

26 (2.2) (i) Subject to the requirements prescribed in
27 subparagraph (ii), any custom farm service implement of
28 husbandry not exceeding 16 feet in width may be driven,
29 hauled or towed between sunrise and sunset on highways
30 other than freeways to a farm or between farms serviced

1 by the owner or operator of the custom farm service
2 implement of husbandry located not more than 50 miles
3 from the custom farm service implement of husbandry's
4 normal point of origin.

5 (ii) A custom farm service implement of husbandry
6 exceeding 14 feet 6 inches but not exceeding 16 feet in
7 width shall not be driven, hauled or towed on any highway
8 between sunrise and sunset unless all of the following
9 are met:

10 (A) the custom farm service implement is
11 equipped with reflective edgemarks that are visible
12 from the front and the rear;

13 (B) the custom farm service implement is
14 equipped with and is operating hazard lamps in
15 accordance with the regulations of the department;
16 and

17 (C) the custom farm service implement is
18 equipped with and is operating two rotating yellow
19 beacons, or the implement is preceded by a pilot
20 vehicle that is equipped with and is operating hazard
21 lamps, and displays an "oversize load" sign on the
22 front of the vehicle.

23 (2.3) (i) Subject to the requirements prescribed in
24 subparagraph (ii), any custom farm service implement of
25 husbandry not exceeding 14 feet 6 inches in width may be
26 driven, hauled or towed between sunset and sunrise on
27 highways other than freeways to a farm or between farms
28 serviced by the owner or operator of the custom farm
29 service implement of husbandry located not more than 50
30 miles from the custom farm service implement of

1 husbandry's point of origin.

2 (ii) A custom farm service implement of husbandry
3 exceeding 12 feet but not exceeding 14 feet 6 inches in
4 width shall not be driven, hauled or towed on any highway
5 between sunset and sunrise unless all of the following
6 are met:

7 (A) the custom farm service implement is
8 equipped with reflective edgemarks that are visible
9 from the front and the rear;

10 (B) the custom farm service implement is
11 equipped with and is operating hazard lamps in
12 accordance with the regulations of the department;
13 and

14 (C) the custom farm service implement is
15 equipped with and is operating two rotating yellow
16 beacons, or the implement is preceded by a pilot
17 vehicle that is equipped with and is operating hazard
18 lamps, and displays an "oversize load" sign on the
19 front of the vehicle.

20 (2.4) (i) Subject to the requirements prescribed in
21 subparagraph (ii), any implement of husbandry exceeding
22 16 feet but not exceeding 17 feet 6 inches may be driven
23 or towed on highways other than freeways between sunrise
24 and sunset:

25 (A) Between parts of one farm owned or operated
26 by the owner of the implement of husbandry.

27 (B) Between farms owned or operated by the owner
28 of the implement of husbandry located not more than
29 ten miles apart.

30 (C) Between:

1 (I) farms; or

2 (II) a farm owned or operated by a farmer
3 and a place of business of a mechanic or dealer
4 in implements of husbandry;

5 located not more than ten miles away for the purpose
6 of buying, selling, trading, loaning and leasing,
7 demonstrating, repairing or servicing the implement
8 of husbandry.

9 (ii) An implement of husbandry exceeding 16 feet but
10 not exceeding 17 feet 6 inches in width shall not be
11 driven, hauled or towed on any highway between sunrise
12 and sunset unless all of the following are met:

13 (A) the implement is not driven or towed at a
14 speed greater than 25 miles per hour;

15 (B) the implement is driven or towed by a person
16 who is at least 16 years of age;

17 (C) the implement is equipped with reflective
18 edgemarks visible from the front and the rear;

19 (D) the implement is equipped with and is
20 operating hazard lamps in accordance with the
21 regulations of the department;

22 (E) the implement is equipped with and is
23 operating two rotating yellow beacons; and

24 (F) the implement is preceded by a pilot vehicle
25 that is equipped with and is operating hazard lamps,
26 and displays an "oversize load" sign on the front of
27 the vehicle.

28 (2.5) (i) Subject to the requirements prescribed in
29 subparagraph (ii), any custom farm service implement of
30 husbandry exceeding 16 feet but not exceeding 17 feet 6

1 inches may be driven or towed between sunset and sunrise
2 on highways other than freeways to a farm or between
3 farms serviced by the owner or operator of the custom
4 farm service implement of husbandry located not more than
5 ten miles from the custom farm service implement of
6 husbandry's normal point of origin.

7 (ii) A custom farm service implement of husbandry
8 exceeding 16 feet but not exceeding 17 feet 6 inches in
9 width shall not be driven or towed on any highway between
10 sunrise and sunset unless all of the following are met:

11 (A) the custom farm service implement is not
12 driven or towed at a speed greater than 25 miles per
13 hour;

14 (B) the custom farm service implement is driven
15 or towed by a person who is at least 16 years of age;

16 (C) the custom farm service implement is
17 equipped with reflective edgemarks visible from the
18 front and the rear;

19 (D) the custom farm service implement is
20 equipped with and is operating hazard lamps in
21 accordance with the regulations of the department;

22 (E) the custom farm service implement is
23 equipped with and is operating two rotating yellow
24 beacons; and

25 (F) the implement is preceded by a pilot vehicle
26 that is equipped with and is operating hazard lamps,
27 and displays an "oversize load" sign on the front of
28 the vehicle.

29 (3) Special mobile equipment not exceeding nine feet two
30 inches in width may be driven, hauled or towed between

1 sunrise and sunset on highways other than freeways.

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

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

13 * * *

14 § 4942. Registered gross weight.

15 * * *

16 (c) Combination.--No combination containing a trailer having
17 a [gross weight or] registered gross weight in excess of 10,000
18 pounds or gross weight in excess of 12,000 pounds shall be
19 operated with a gross weight in excess of the registered gross
20 weight of the truck or truck tractor for a combination.

21 Section 6. This act shall take effect in 60 days.