

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, MENSCH, BAKER, M. WHITE, BROWNE AND GORDNER, FEBRUARY 4, 2011

SENATOR RAFFERTY, TRANSPORTATION, AS AMENDED, OCTOBER 18, 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, AND 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 FROM THE ORIGINATING POINT.



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

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

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

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

20           (A) Parts of one such farm.

21           (B) Such farms located not more than 50 miles  
22           apart FROM THE ORIGINATING POINT. ←

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

29           \* \* \*

30           (10) Any farm vehicle used exclusively upon a farm or

1 farms owned or operated by the owner of the vehicle[.],  

2 subject to the following:

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

11                   (A) Parts of one such farm.

12                   (B) Such farms located not more than 25 miles  
13 apart.

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

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

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

29                   (A) Parts of one such farm.

30                   (B) Such farms located not more than ten miles

1           apart.

2           (C) Such farm or farms and a place of business  
3           located within a radius of ten miles from such farm  
4           or farms for the purpose of buying or selling  
5           agricultural commodities or supplies.

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

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

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

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

28                 (A) Parts of one such farm.

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

1           (C) Such farm or farms and a place of business  
2           located within a radius of ten miles from such farm  
3           or farms for the purpose of buying or selling  
4           agricultural commodities or supplies.

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

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

15                (A) Parts of one such farm.

16                (B) Such farms located not more than 50 miles  
17                apart.

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

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

27          (viii) The owner of the farm vehicle shall maintain  
28          such minimum levels of liability insurance coverage on  
29          the vehicle as are required to be maintained under  
30          Chapter 17 (relating to financial responsibility) by

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

10 \* \* \*

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

15 (i) Parts of one such farm.

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

18 \* \* \*

19 ~~Section 3. Section 1344 of Title 75 is amended by adding a~~ ←  
20 ~~subsection to read:~~

21 ~~§ 1344. Use of farm vehicle plates.~~

22 \* \* \*

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

28 \* \* \*

29 Section 4 3. The definition of "commercial motor vehicle" in ←  
30 section 1603 of Title 75 is amended to read:

1 § 1603. Definitions.

2 The following words and phrases when used in this chapter  
3 shall have the meanings given to them in this section unless the  
4 context clearly indicates otherwise:

5 \* \* \*

6 "Commercial motor vehicle." A motor vehicle designed or used  
7 to transport passengers or property:

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

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

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

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

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

27 \* \* \*

28 Section ~~5~~ 4. Sections 4702(a), 4703(a), 4903(e)~~7~~ AND 4921(b) ←  
29 ~~and 4942(c)~~ of Title 75 are amended to read: ←

30 § 4702. Requirement for periodic inspection of vehicles.

1 (a) Annual safety inspection.--Except as provided in  
2 subsection (b), the department shall establish a system of  
3 annual safety inspection of vehicles, including emergency  
4 vehicles, farm vehicles with a gross weight or gross vehicle  
5 weight rating of greater than 17,000 pounds for which a Type [I]  
6 C biennial certificate of exemption has been issued and private  
7 noncommercial vehicles used to transport students.

8 \* \* \*

9 § 4703. Operation of vehicle without official certificate of  
10 inspection.

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

22 \* \* \*

23 § 4903. Securing loads in vehicles.

24 \* \* \*

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

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

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

1           (3) the transportation of agricultural products produced  
2 by a farmer on highways other than freeways between farms  
3 that the farmer owns or operates in the course of harvesting  
4 or on-farm storage of the agricultural products, provided  
5 that the vehicle is not operated or moved at a speed of  
6 greater than ~~45~~ 25 miles per hour. This paragraph applies ←  
7 regardless of whether the transportation of agricultural  
8 products is performed by the farmer or by another person who  
9 performs custom harvesting services for the farmer.

10       \* \* \*

11 § 4921. Width of vehicles.

12       \* \* \*

13       (b) Special vehicles.--

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

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

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

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

28                   [(iii)] (C) Between:

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

30                           [(B)] (II) a farm owned or operated by a

1 farmer and a place of business of a mechanic or  
2 dealer in implements of husbandry;  
3 located not more than 150 miles away for the purpose  
4 of buying, selling, trading, loaning and leasing,  
5 demonstrating, repairing or servicing the implement  
6 of husbandry.

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

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

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

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

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

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

30 (B) Between farms owned or operated by the owner

1 of the implement of husbandry located not more than  
2 50 miles apart.

3 (C) Between:

4 (I) farms; or

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

8 located not more than ~~150~~ 50 miles away for the ←  
9 purpose of buying, selling, trading, loaning and  
10 leasing, demonstrating, repairing or servicing the  
11 implement of husbandry.

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

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

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

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

28 (2.2) (i) Subject to the requirements prescribed in  
29 subparagraph (ii), any custom farm service implement of  
30 husbandry not exceeding 16 feet in width may be driven,

1 hailed or towed between sunrise and sunset on highways  
2 other than freeways to a farm or between farms serviced  
3 by the owner or operator of the custom farm service  
4 implement of husbandry located not more than 50 miles  
5 from the custom farm service implement of husbandry's  
6 normal point of origin.

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

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

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

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

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

1 service implement of husbandry located not more than 50  
2 miles from the custom farm service implement of  
3 husbandry's point of origin.

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

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

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

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

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

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

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

1           ten miles apart.

2           (C) Between:

3                 (I) farms; or

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

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

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

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

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

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

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

24                 (E) the implement is equipped with and is  
25                 operating two rotating yellow beacons; and

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

30           (2.5) (i) Subject to the requirements prescribed in

1 subparagraph (ii), any custom farm service implement of  
2 husbandry exceeding 16 feet but not exceeding 17 feet 6  
3 inches may be driven or towed between sunset and sunrise  
4 on highways other than freeways to a farm or between  
5 farms serviced by the owner or operator of the custom  
6 farm service implement of husbandry located not more than  
7 ten miles from the custom farm service implement of  
8 husbandry's normal point of origin.

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

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

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

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

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

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

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

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

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

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

15 \* \* \*

16 ~~§ 4942. Registered gross weight.~~ ←

17 ~~\* \* \*~~

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

23 Section 6 5. This act shall take effect in 60 days. ←