

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 970 Session of  
2015

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INTRODUCED BY CAUSER, BAKER, CONKLIN, D. COSTA, GABLER, MILLARD,  
MOUL, MURT, PEIFER, REGAN, SABATINA AND DUSH, APRIL 14, 2015

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AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 25, 2015

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## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in snowmobiles and all-terrain vehicles, further  
3 providing for restricted account, for Snowmobile and ATV  
4 Advisory Committee, for operation on private or State  
5 property, for operation by persons under age sixteen, for  
6 mufflers and noise control and for enforcement personnel and  
7 procedures.

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

10 Section 1. Section 7706(a)(1) and (2), (b) introductory  
11 paragraph, (1) and (3) and (c) of Title 75 of the Pennsylvania  
12 Consolidated Statutes are amended and the section is amended by  
13 adding subsections to read:

14 § 7706. Restricted account.

15 (a) Deposit and use of moneys.--

16 (1) [The department] There is established a restricted  
17 account with two separate funds, the ATV Management Fund and  
18 the Snowmobile Management Fund. The department shall deposit  
19 the following into [a] the appropriate fund of the restricted  
20 account[, which is hereby established]:

1 (i) all moneys received from the registration of and  
2 issuance of certificates of title for snowmobiles and  
3 ATV's and from the issuance of vintage snowmobile  
4 permits;

5 (ii) all revenue from the sale of any publications  
6 or services relating to snowmobiles and ATV's; [and]

7 (iii) all fines, penalties, fees and costs assessed  
8 and collected as a result of ATV enforcement activities  
9 conducted by the department's law enforcement personnel  
10 [under this chapter.] shall be deposited in the ATV  
11 Management Fund;

12 (iv) all fines, penalties, fees and costs assessed  
13 and collected as a result of snowmobile enforcement  
14 activities conducted by the department's law enforcement  
15 personnel under this chapter shall be deposited in the  
16 Snowmobile Management Fund;

17 (v) all moneys existing in the restricted account at  
18 the time this section becomes effective shall be divided  
19 into the two funds based on the current number of active  
20 snowmobile and active ATV registrations; and

21 (vi) all refunds of gas taxes generated under  
22 section 9017(d.1) (relating to refunds) shall be  
23 deposited in the respective funds on a proportional basis  
24 of the activity that generated those taxes.

25 (2) The department shall draw moneys from the respective  
26 funds in the restricted account for use in performing any  
27 activities necessary to carry out the purposes of this  
28 chapter, including registration and certificate of title  
29 activities, training, education, enforcement activities,  
30 construction and maintenance of snowmobile and ATV trails and

1 acquisition of equipment, supplies and interests in land. All  
2 moneys deposited in this account shall remain in it to be  
3 used as specified in this section. With the exception of  
4 trails used by both snowmobiles and ATV's, under no  
5 circumstances shall the department expend any moneys from any  
6 fund except for the activity that generated those funds.

7 \* \* \*

8 (b) Grant-in-aid.--The department shall, upon written  
9 application and subsequent approval, grant money from the  
10 appropriate fund of the restricted account:

11 (1) To municipalities [and], profit and nonprofit  
12 organizations in connection with snowmobile and ATV use [on  
13 lands not owned by the Commonwealth] for the following:

14 (i) Plans, specifications and engineering surveys.

15 (ii) Fees and costs related to the preparation or  
16 performance of right-of-way lease agreements.

17 (iii) Land acquisition.

18 (iv) Construction, maintenance and rehabilitation of  
19 trails and other facilities for snowmobiles and ATV's.

20 \* \* \*

21 (3) To profit and nonprofit organizations for the  
22 maintenance [and], rehabilitation[, but not the] and  
23 construction, of snowmobile and ATV trails on land owned by  
24 the Commonwealth.

25 (B.1) REGULATIONS.--NO LATER THAN 60 DAYS FROM THE EFFECTIVE <--  
26 DATE OF THIS SUBSECTION, THE DEPARTMENT SHALL PROMULGATE  
27 REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF SUBSECTION  
28 (B). THE DEPARTMENT SHALL PROMULGATE THE REGULATIONS IN A MANNER  
29 THAT IS SEPARATE FROM REGULATIONS PERTAINING TO ANY OTHER GRANT  
30 PROGRAM ADMINISTERED BY THE DEPARTMENT. THE DEPARTMENT'S

1 REGULATIONS SHALL INCLUDE A QUARTERLY APPROVAL GRANT PROCESS.

2 (c) Audit of moneys.--The [restricted account shall be  
3 audited every two years.] Auditor General or the Auditor  
4 General's designee shall perform a fiscal and performance audit  
5 of the restricted account biennially. Copies of the audit shall  
6 be posted and maintained on the department's publicly accessible  
7 Internet website and shall be provided to the Snowmobile and ATV  
8 Advisory Committee[.], the Appropriations Committee of the  
9 Senate and the Appropriations Committee of the House of  
10 Representatives.

11 (d) Annual report.--An annual report on income and  
12 expenditures from each fund of the restricted account shall be  
13 posted and maintained on the department's publicly accessible  
14 Internet website and provided to the Appropriations Committee of  
15 the Senate and the Appropriations Committee of the House of  
16 Representatives.

17 ~~(e) Regulations.--No later than 60 days from effective date <--~~  
18 ~~of this subsection, the department shall promulgate regulations~~  
19 ~~necessary to implement the provisions of this section. The~~  
20 ~~department shall promulgate regulations in a manner that is~~  
21 ~~separate from regulations pertaining to any other grant program~~  
22 ~~administered by the department. The department's regulations~~  
23 ~~shall include a quarterly approval process.~~

24 Section 2. Sections 7717(a), (b), (e) and (f) and 7724(b)(2)  
25 of Title 75 are amended to read:

26 § 7717. Snowmobile and ATV Advisory Committee.

27 (a) Establishment.--There is hereby established [under the  
28 jurisdiction of the department a board known as] the Snowmobile  
29 and ATV Advisory Committee.

30 (b) Composition.--The committee shall consist of 17 members.

1 The members shall be as follows:

2 (1) The chairman and minority chairman of the  
3 Environmental Resources and Energy Committee of the Senate.

4 (2) The chairman and minority chairman of the  
5 Environmental Resources and Energy Committee of the House of  
6 Representatives.

7 (3) One member [from] representing the Pennsylvania Game  
8 Commission.

9 (4) One member [from] representing the Allegheny  
10 National Forest.

11 (5) One member [from] representing the Pennsylvania  
12 State Association of Township Supervisors.

13 (6) One member [from] representing the Pennsylvania  
14 State Association of Boroughs.

15 (7) One member [from] representing the Pennsylvania  
16 State Association of County Commissioners.

17 (7.1) One member representing the Department of  
18 Community and Economic Development.

19 (8) [Eight] Seven members of the public representing the  
20 following organizations to be appointed by the Secretary of  
21 Conservation and Natural Resources:

22 (i) Two members from a list of at least six  
23 representatives submitted by the Pennsylvania State  
24 Snowmobile Association.

25 (ii) Two members from a list of at least six  
26 representatives submitted by the Pennsylvania Off-Highway  
27 Vehicle Association.

28 (iii) One member from a list of at least three  
29 representatives submitted by the Pennsylvania Farm  
30 Bureau.

1           [(iv) Two members from a list of at least six  
2 representatives submitted by conservation or nonmotorized  
3 recreation organizations.]

4           (v) One member from a list of at least three  
5 representatives submitted by the Pennsylvania Association  
6 of Travel [Council] and Tourism.

7           (vi) One member from a list of at least three  
8 representatives submitted by the Pennsylvania Economic  
9 Development Association.

10 Each member may designate an alternate to serve in his stead. A  
11 member shall notify the chairman in writing of this designation.

12       \* \* \*

13       (e) Meetings and expenses.--

14           (1) The committee shall meet at least [annually]  
15 semiannually.

16           (2) A public member, including a designee, who misses  
17 three consecutive meetings without good cause [acceptable to  
18 the chairman] may be replaced by the Secretary of  
19 Conservation and Natural Resources upon recommendation of the  
20 chairman.

21       \* \* \*

22       (f) Powers and duties.--The powers and duties of the  
23 committee shall be to advise the Secretary of Conservation and  
24 Natural Resources on matters concerning the implementation of  
25 this chapter, including existing and proposed regulations,  
26 standards, policies, guidelines and practices; use and operation  
27 of snowmobiles and ATV's on public and private land;  
28 acquisition, construction, development and maintenance of  
29 trails; enforcement; and allocation of fees collected by the  
30 department pursuant to this chapter.

1 § 7724. Operation on private or State property.

2 \* \* \*

3 (b) State property.--

4 \* \* \*

5 (2) (i) The department may designate any road within a  
6 State Park or State Forest over which the department has  
7 jurisdiction as a snowmobile road or an ATV road, [or  
8 both,] and may, in its discretion, determine whether the  
9 road shall be closed to vehicular traffic or whether  
10 snowmobiles and ATV's may share the designated road with  
11 vehicular traffic. Adequate notices of such designation  
12 and determination shall be sufficiently and prominently  
13 displayed.

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

16 (A) A person may operate a snowmobile on a road,  
17 trail or area that is designated and marked by the  
18 department as open for snowmobile use or on which the  
19 person has been given specific written permission to  
20 operate the snowmobile.

21 (B) A person may operate a Class I or Class II  
22 ATV on a road, trail or area that is designated and  
23 marked by the department as open for ATV use or on  
24 which the person has been given specific written  
25 permission to operate the ATV.

26 [(C) A person may operate a Class II ATV on a  
27 road, trail or area if the person has been given  
28 specific written permission by the department to  
29 operate a Class II ATV on the road, trail or area.]

30 Section 3. Section 7725(a) and (d) are amended and the

1 section is amended by adding a subsection to read:

2 § 7725. Operation by persons under age sixteen.

3 (a) Crossing street or highway.--No person under 16 years of  
4 age shall drive a snowmobile or an ATV across any highway or  
5 connecting street thereto unless he is under the direct  
6 supervision of a person 18 years of age or older and unless he  
7 holds a valid and appropriate safety certificate from the  
8 Commonwealth or a valid and approved certificate issued under  
9 the authority of another state or Province of Canada. [The  
10 department shall determine what certificates will be approved.]

11 \* \* \*

12 [(d) Failure to exhibit certificate.--The failure of such a  
13 youthful operator to exhibit the appropriate safety certificate,  
14 upon demand, to any law enforcement officer having authority to  
15 enforce the provisions of this section shall be presumptive  
16 evidence that such person is not the holder of such  
17 certificate.]

18 (d.1) Presentation of certificate.--Within 72 hours of  
19 receiving notice of a violation of this section, a youthful  
20 operator shall present the appropriate safety certificate to any  
21 law enforcement officer having authority to enforce the  
22 provisions of this section. It shall be an affirmative defense  
23 to a prosecution for a violation of this section if the youth  
24 operator complies with this subsection.

25 \* \* \*

26 Section 4. Sections 7743 heading and (a) and 7751(d) of  
27 Title 75 are amended to read:

28 § 7743. Mufflers and [noise] sound control.

29 (a) General rule.--It is unlawful to operate a snowmobile or  
30 an ATV which is not equipped at all times with a muffler in good



1 working order which blends the exhaust [noise] sound into the  
2 overall snowmobile or ATV [noise] sound and is in constant  
3 operation to prevent excessive or unusual [noise] sound. The  
4 exhaust system shall not emit or produce a sharp popping or  
5 crackling sound. The sound intensity produced by a snowmobile  
6 shall not exceed 82dbA when measured in accordance with SAE  
7 Recommended Practice J 192 Exterior Sound Level for Snowmobiles,  
8 as amended. The department may by regulation adopt more  
9 stringent [noise] sound requirements for snowmobiles. The  
10 department shall by regulation adopt [noise] sound requirements  
11 for in-use operation of ATV's using measurement procedures in  
12 accordance with ANSI/SAE Recommended Practice J 1287 [March  
13 1982] July 1998, Measurement of Exhaust Level of Stationary  
14 Motorcycles. The sound level intensity produced by an ATV  
15 manufactured before January 1, 1998 shall not exceed 99dbA, or  
16 decibels, when measured at 20 inches. The sound level intensity  
17 produced by an ATV manufactured on or after January 1, 1998  
18 shall not exceed 96dba, or decibels, when measured as 20 inches.

19 \* \* \*

20 § 7751. Enforcement personnel and procedures.

21 \* \* \*

22 (d) Rules and regulations.--The department may promulgate  
23 such rules and regulations as [may] shall be deemed necessary to  
24 accomplish the purposes and enforce the provisions of this  
25 section including requirements for reporting by trial courts  
26 having jurisdiction over snowmobile and ATV violations.

27 Section 5. This act shall take effect as follows:

28 (1) The following shall take effect immediately:

29 (i) The amendment of 75 Pa.C.S. §§ 7706, 7717 and  
30 7722.

1                   (ii) This section.

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