

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 648 Session of 2015

INTRODUCED BY STEFANO, SCARNATI, ALLOWAY, WARD, VOGEL, HUTCHINSON, BARTOLOTTA, VULAKOVICH, YUDICHAK, WOZNIAK AND BLAKE, APRIL 8, 2015

SENATOR BROWNE, APPROPRIATIONS, RE-REPORTED AS AMENDED, SEPTEMBER 28, 2015

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 and for Snowmobile and ATV
4 Advisory Committee; AND MAKING AN EDITORIAL CHANGE. <--

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

7 Section 1. Section 7706(a)(1) and (2), (b) and (c) of Title <--
8 75 of the Pennsylvania Consolidated Statutes are amended and the
9 section is amended by adding subsections to read:

10 SECTION 1. SECTION 7706 OF TITLE 75 OF THE PENNSYLVANIA <--
11 CONSOLIDATED STATUTES IS AMENDED TO READ:

12 § 7706. Restricted [account] ACCOUNTS. <--

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

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



1 THIS SUBPARAGRAPH SHALL BE DIVIDED INTO THE TWO  
2 RESTRICTED ACCOUNTS BASED ON THE CURRENT NUMBER OF ACTIVE  
3 SNOWMOBILE AND ACTIVE ATV REGISTRATIONS; AND

4 (vi) all refunds of gas taxes generated under  
5 section 9017(d.1) (relating to refunds) shall be  
6 deposited in the ~~respective funds~~ TWO RESTRICTED ACCOUNTS <--  
7 on a proportional basis of the activity that generated  
8 those taxes.

9 (2) The department shall draw moneys from the respective  
10 ~~funds in the~~ restricted [account] ACCOUNTS for use in <--  
11 performing any activities necessary to carry out the purposes  
12 of this chapter, including registration and certificate of  
13 title activities, training, education, enforcement  
14 activities, construction and maintenance of snowmobile and  
15 ATV trails and acquisition of equipment, supplies and  
16 interests in land. All moneys deposited in [this account <--  
17 shall remain in it] THESE ACCOUNTS SHALL REMAIN IN THEM to be <--  
18 used as specified in this section. With the exception of  
19 trails used by both snowmobiles and ATV's, under no  
20 circumstances shall the department expend any moneys from any <--  
21 fund except for the activity that generated those funds.

22 \* \* \* THE ACCOUNTS EXCEPT FOR THE ACTIVITY THAT GENERATED <--  
23 THOSE ACCOUNTS.

24 (3) THE PROVISIONS OF 42 PA.C.S. § 3573(B)(2) (RELATING  
25 TO MUNICIPAL CORPORATION PORTION OF FINES, ETC.)  
26 NOTWITHSTANDING, WHEN PROSECUTION UNDER THIS CHAPTER IS THE  
27 RESULT OF LOCAL POLICE ACTION, ALL FINES, PENALTIES, FEES AND  
28 COSTS ASSESSED AS A RESULT OF SUCH PROSECUTION SHALL BE  
29 PAYABLE TO THE MUNICIPAL CORPORATION UNDER WHICH THE LOCAL  
30 POLICE ARE ORGANIZED.

1 (b) Grant-in-aid.--The department shall, upon written  
2 application and subsequent approval, grant money from the  
3 ~~appropriate fund of the restricted account~~ RESTRICTED [ACCOUNT] <--

4 ACCOUNTS:

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

8 (i) Plans, specifications and engineering surveys.

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

11 (iii) Land acquisition.

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

14 (2) To municipalities and profit and nonprofit  
15 organizations for equipment, training and education  
16 activities relating to snowmobile and ATV use.

17 (3) To profit and nonprofit organizations for the  
18 maintenance [and], rehabilitation[, but not the] and  
19 construction[,] of snowmobile and ATV trails on land owned by  
20 the Commonwealth.

21 (b.1) Regulations.--No later than 60 days from the effective  
22 date of this subsection, the department shall promulgate  
23 regulations necessary to implement the provisions of subsection  
24 (b). The department shall promulgate the regulations in a manner  
25 that is separate from regulations pertaining to any other grant  
26 program administered by the department. The department's  
27 regulations shall include a ~~quarterly~~ SEMIANNUAL approval grant <--  
28 process.

29 (c) Audit of moneys.--The restricted [account] ACCOUNTS <--  
30 shall be audited every two years. Copies of the audit shall be

1 provided to the Snowmobile and ATV Advisory Committee[.], the  
2 Appropriations Committee of the Senate and the Appropriations  
3 Committee of the House of Representatives. Copies shall also be  
4 posted and maintained on the department's publicly accessible  
5 Internet website.

6 (d) Annual report.--An annual report on income and  
7 expenditures from each fund of the restricted account THE <--  
8 RESTRICTED ACCOUNTS shall be posted and maintained on the  
9 department's publicly accessible Internet website and provided  
10 to the Appropriations Committee of the Senate and the  
11 Appropriations Committee of the House of Representatives.

12 ~~Section 2. Section 7717(b), (e)(1) and (2) and (f) of Title~~ <--  
13 ~~75 are amended to read:~~

14 (E) DEFINITION.--FOR PURPOSES OF THIS SECTION, "ALL-TERRAIN <--  
15 VEHICLE" OR "ATV" SHALL ALSO INCLUDE ANY SELF-PROPELLED VEHICLE  
16 WHICH IS MANUFACTURED FOR SALE OR OPERATION PRIMARILY ON OFF-  
17 HIGHWAY TRAILS OR OFF-HIGHWAY COMPETITION AND ONLY INCIDENTALLY  
18 OPERATED ON PUBLIC HIGHWAYS. THIS TERM SHALL NOT INCLUDE A  
19 SNOWMOBILE OR OTHER SELF-PROPELLED VEHICLES MANUFACTURED FOR  
20 OFF-HIGHWAY USE EXCLUSIVELY DESIGNED FOR TRAVEL ON SNOW OR ICE,  
21 STEERED BY SKIS OR RUNNERS AND SUPPORTED IN WHOLE OR IN PART BY  
22 ONE OR MORE SKIS, BELTS OR CLEATS WHICH UTILIZE AN ENDLESS BELT  
23 TREAD.

24 SECTION 2. SECTIONS 7717(B), (E)(1) AND (2) AND (F) AND  
25 9017(D.1)(1) OF TITLE 75 ARE AMENDED TO READ:

26 § 7717. Snowmobile and ATV Advisory Committee.

27 \* \* \*

28 (b) Composition.--The committee shall consist of 17 members.  
29 The members shall be as follows:

30 (1) The chairman and minority chairman of the

1 Environmental Resources and Energy Committee of the Senate.

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

5 (3) One member [from] representing the Pennsylvania Game  
6 Commission.

7 (4) One member [from] representing the Allegheny  
8 National Forest.

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

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

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

15 (7.1) One member representing the Department of  
16 Community and Economic Development.

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

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

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

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

29 [(iv) Two members from a list of at least six  
30 representatives submitted by conservation or nonmotorized

1 recreation organizations.]

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

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

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

10 \* \* \*

11 (e) Meetings and expenses.--

12 (1) The committee shall meet at least [annually]  
13 biannually.

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

19 \* \* \*

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

29 § 9017. REFUNDS.

30 \* \* \*

<--

1 (D.1) MOTORIZED RECREATIONAL VEHICLES.--

2 (1) WHEN THE TAX IMPOSED BY THIS CHAPTER HAS BEEN PAID  
3 AND THE FUEL ON WHICH THE TAX HAS BEEN IMPOSED HAS BEEN  
4 CONSUMED IN THE OPERATION OF MOTORIZED RECREATIONAL VEHICLES  
5 ON DESIGNATED ROADS AND BRIDGES OF THIS COMMONWEALTH,  
6 INCLUDING ROADS AND BRIDGES BORDERING ON THIS COMMONWEALTH,  
7 ANNUALLY UP TO A MAXIMUM OF \$1,000,000 OF THE FULL AMOUNT OF  
8 SUCH TAXES SHALL BE REFUNDED TO THE RESTRICTED ACCOUNT  
9 ESTABLISHED IN SECTION 7706 (RELATING TO RESTRICTED [ACCOUNT]  
10 ACCOUNTS) UPON PETITION TO THE BOARD OF FINANCE AND REVENUE.

11 \* \* \*

12 Section 3. This act shall take effect in 60 days.