

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 478 Session of 2021

INTRODUCED BY OWLETT, BOROWICZ, CAUSER, MILLARD, ROTHMAN, SMITH,  
MOUL, ZIMMERMAN AND STRUZZI, FEBRUARY 9, 2021

REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,  
FEBRUARY 9, 2021

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in snowmobiles and all-terrain vehicles, further  
3 providing for short title of chapter, for definitions, for  
4 restricted accounts, for registration of dealers, for  
5 registration of snowmobile or ATV, for limited registration  
6 of snowmobile or ATV, for certificate of title for snowmobile  
7 or ATV, for transfer to or from dealer, for transfer of  
8 snowmobile or ATV by operation of law, for issuance of new  
9 certificate following transfer, for suspension and  
10 cancellation of certificate of title, for application for  
11 certificate of title by agent, for perfection of security  
12 interest in a snowmobile or ATV, for satisfaction of security  
13 interest, for release of security interest, for assignment by  
14 secured party of security interest, for exemptions, for  
15 snowmobile or ATV purchased from dealer, for fees, for  
16 records, for Snowmobile and ATV Advisory Committee, for  
17 operation on streets and highways, for designation of  
18 snowmobile and ATV roads, for special snowmobile and ATV  
19 events, for operation on private or State property, for  
20 operation by persons under age sixteen, for operation in safe  
21 manner, for additional limitations on operation, for  
22 accidents and accident reports, for liability of owner for  
23 negligence, for liability insurance, for head lamps and tail  
24 lamps, for brakes, for mufflers and sound control, for  
25 enforcement personnel and procedures and for penalties for  
26 violation of chapter; and making editorial changes.

27 The General Assembly of the Commonwealth of Pennsylvania  
28 hereby enacts as follows:

29 Section 1. The heading of Chapter 77 of Title 75 of the

1 Pennsylvania Consolidated Statutes is amended to read:

2 CHAPTER 77

3 SNOWMOBILES [AND], ALL-TERRAIN VEHICLES AND OFF-HIGHWAY  
4 MOTORCYCLES

5 Section 2. Section 7701 of Title 75 is amended to read:

6 § 7701. Short title of chapter.

7 This chapter shall be known and may be cited as the  
8 Snowmobile [and], All-Terrain Vehicle and Off-Highway Motorcycle  
9 Law.

10 Section 3. The definition of "all-terrain vehicle" or "ATV"  
11 in section 7702 of Title 75 is amended and the section is  
12 amended by adding a definition to read:

13 § 7702. Definitions.

14 The following words and phrases when used in this chapter  
15 shall have, unless the context clearly indicates otherwise, the  
16 meanings given to them in this section:

17 "All-terrain vehicle" or "ATV." A motorized off-highway  
18 vehicle which travels on three or more off-highway tires and  
19 which has:

20 (1) a maximum width of 50 inches and a maximum dry  
21 weight of 1,200 pounds; or

22 (2) a width which exceeds 50 inches or a dry weight  
23 which exceeds 1,200 pounds.

24 ATV's described in paragraph (1) may be referred to as Class I  
25 ATV's, and ATV's described in paragraph (2) may be referred to  
26 as Class II ATV's. This term does not include snowmobiles,  
27 [trail bikes,] off-highway motorcycles, motorboats, golf carts,  
28 aircraft, dune buggies, automobiles, construction machines,  
29 trucks or home utility machines; military, fire, emergency and  
30 law enforcement vehicles; implements of husbandry; multipurpose

1 agricultural vehicles; vehicles used by the department; or any  
2 vehicle that is or is required to be registered under Chapter 13  
3 (relating to registration of vehicles). In addition, this term  
4 does not include off-road motor vehicles used exclusively as  
5 utility vehicles for agricultural or business operations and  
6 incidentally operated or moved upon the highway.

7 \* \* \*

8 "Off-highway motorcycle" or "OHM." A motor vehicle used off  
9 the roads or highways of this Commonwealth that has a seat or  
10 saddle for the use of the rider and is designed to travel with  
11 not more than two wheels in contact with the ground, including  
12 dual sport motorcycles.

13 \* \* \*

14 Section 4. Sections 7706(a)(1) and (2), (b), (c) and (e) and  
15 7711(a) and (e) introductory paragraph, (3) and (4) of Title 75  
16 are amended to read:

17 § 7706. Restricted accounts.

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

19 (1) The ATV and OHM Management Restricted Account and  
20 the Snowmobile Management Restricted Account are established  
21 in the State Treasury. The department shall deposit the  
22 following into the appropriate restricted account:

23 (i) all moneys received from the registration of and  
24 issuance of certificates of title for snowmobiles [and],  
25 ATV's or OHM's and from the issuance of vintage  
26 snowmobile permits;

27 (ii) all revenue from the sale of any publications  
28 or services relating to snowmobiles [and], ATV's and  
29 OHM's;

30 (iii) all fines, penalties, fees and costs assessed

1 and collected as a result of enforcement activities  
2 conducted by the department's law enforcement personnel  
3 under this chapter related to violations attributed to  
4 ATV's and OHM's shall be deposited in the ATV and OHM  
5 Management Restricted Account;

6 (iv) all fines, penalties, fees and costs assessed  
7 and collected as a result of enforcement activities  
8 conducted by the department's law enforcement personnel  
9 under this chapter related to violations attributed to  
10 snowmobiles shall be deposited in the Snowmobile  
11 Management Restricted Account; and

12 (v) all refunds of gas taxes generated under section  
13 9017(d.1) (relating to refunds) shall be deposited in the  
14 two restricted accounts on a proportional basis of the  
15 activity that generated those taxes.

16 (2) The department shall draw moneys from the respective  
17 restricted accounts for use in performing any activities  
18 necessary to carry out the purposes of this chapter,  
19 including registration and certificate of title activities,  
20 training, education, enforcement activities, construction and  
21 maintenance of snowmobile [and], ATV and OHM trails and  
22 acquisition of equipment, supplies and interests in land. All  
23 moneys deposited in these accounts shall remain in them to be  
24 used as specified in this section. With the exception of  
25 trails used by [both] snowmobiles [and], ATV's and OHM's,  
26 under no circumstances shall the department expend any moneys  
27 from the accounts except for the activity that generated  
28 those accounts.

29 \* \* \*

30 (b) Grant-in-aid.--The department shall, upon written

1 application and subsequent approval, grant money from the  
2 restricted accounts:

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

7 (i) Plans, specifications and engineering surveys.

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

10 (iii) Land acquisition.

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

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

17 (3) To profit and nonprofit organizations for the  
18 maintenance, rehabilitation and construction of snowmobile  
19 [and], ATV and OHM trails on land owned by the Commonwealth.

20 \* \* \*

21 (c) Audit of moneys.--The restricted accounts shall be  
22 audited every two years. Copies of the audit shall be provided  
23 to the Snowmobile [and], ATV and OHM Advisory Committee, the  
24 Appropriations Committee of the Senate and the Appropriations  
25 Committee of the House of Representatives. Copies shall also be  
26 posted and maintained on the department's publicly accessible  
27 Internet website.

28 \* \* \*

29 (e) Definition.--For purposes of this section, "all-terrain  
30 vehicle" or "ATV" shall also include any self-propelled vehicle

1 which is manufactured for sale or operation primarily on off-  
2 highway trails or off-highway competition and only incidentally  
3 operated on public highways. This term includes OHM's. This term  
4 shall not include a snowmobile or other self-propelled vehicles  
5 manufactured for off-highway use exclusively designed for travel  
6 on snow or ice, steered by skis or runners and supported in  
7 whole or in part by one or more skis, belts or cleats which  
8 utilize an endless belt tread.

9 § 7711. Registration of dealers.

10 (a) General rule.--A person who is in the business of  
11 selling snowmobiles [or], ATV's or OHM's in this Commonwealth  
12 shall register with the department as a dealer. A person who is  
13 in the business of selling snowmobiles [or], ATV's or OHM's  
14 outside this Commonwealth may register with the department as a  
15 dealer.

16 \* \* \*

17 (e) Use of dealer registration plates.--A dealer may operate  
18 or permit to be operated within this Commonwealth a snowmobile  
19 [or], ATV or OHM owned by or in the possession of the dealer if:

20 \* \* \*

21 (3) There is displayed on the snowmobile [or], ATV or  
22 OHM in a manner prescribed by the department a valid dealer  
23 registration plate issued to the dealer under this section.

24 (4) The snowmobile [or], ATV or OHM is operated only for  
25 the purpose of demonstration or testing in connection with  
26 the dealer's business.

27 Section 5. Section 7711.1 heading, (a) introductory  
28 paragraph, (1), (2) and (4), (b) introductory paragraph, (1) and  
29 (2), (d) (2) and (f) (1), (2), (3) and (4) of Title 75 are amended  
30 and the section is amended by adding a subsection to read:

1 § 7711.1. Registration of snowmobile [or], ATV or OHM.

2 (a) General rule.--Except as otherwise provided in  
3 subsection (f), it is unlawful for a person to operate or for an  
4 owner to permit another person to operate a snowmobile [or], an  
5 ATV or an OHM unless:

6 (1) There is carried on the snowmobile [or], ATV or OHM  
7 a valid registration certificate issued therefor pursuant to  
8 subsection (b).

9 (2) There is displayed on the snowmobile a registration  
10 decal, or on the ATV or OHM a registration plate, issued  
11 therefor pursuant to subsection (b).

12 \* \* \*

13 (4) There is displayed on the snowmobile [or], ATV or  
14 OHM a valid expiration sticker issued therefor pursuant to  
15 subsection (b).

16 \* \* \*

17 (b) Issuance.--Upon receipt of an application therefor upon  
18 a form prescribed and furnished by the department which shall  
19 contain information reasonably required by the department and  
20 which shall be accompanied by the required fee, the department  
21 shall issue to the owner of a snowmobile [or], ATV or OHM:

22 (1) A biennial registration certificate containing the  
23 registration number for the snowmobile [or], ATV or OHM and  
24 the expiration date of the registration.

25 (2) A registration decal displaying the registration  
26 number for a snowmobile or a registration plate displaying  
27 the registration number for an ATV or OHM.

28 \* \* \*

29 (c.1) Exception.--OHM's registered with the Department of  
30 Transportation do not require a registration plate.

1 (d) Expiration of registration.--

2 \* \* \*

3 (2) Upon transfer of ownership of a snowmobile [or], ATV  
4 or OHM during a registration period, the registration  
5 certificate and expiration sticker shall expire. The  
6 transferor shall, within 15 days from the date of transfer,  
7 return to the department the registration certificate with  
8 the date of transfer and the name and address of the new  
9 owner endorsed on the back. If the transferor applies for  
10 registration of a different snowmobile [or], ATV or OHM and  
11 pays the required transfer fee, the transferor may be issued  
12 in the name of the transferor a registration certificate and  
13 expiration sticker for that snowmobile [or], ATV or OHM for  
14 the remainder of the registration period without payment of a  
15 registration fee. The registration decal or plate shall not  
16 be removed from a snowmobile [or], ATV or OHM upon transfer  
17 to the new owner and is invalid until the new owner is issued  
18 a registration certificate or limited registration  
19 certificate for the snowmobile [or], ATV or OHM.

20 \* \* \*

21 (f) Exemptions from registration.--Subsection (a) does not  
22 apply if:

23 (1) The snowmobile [or], ATV or OHM is owned by or in  
24 the possession of a dealer who has been issued a dealer  
25 registration certificate, dealer registration plates and  
26 dealer plate registration cards under section 7711 (relating  
27 to registration of dealers), the dealer is in compliance with  
28 section 7711 and the snowmobile [or], ATV or OHM is used in  
29 accordance with section 7711.

30 (2) The snowmobile [or], ATV or OHM is owned and used by



1 the United States or another state or a political subdivision  
2 thereof, in which case the snowmobile [or], ATV or OHM shall  
3 display the name of the owner in a manner prescribed by the  
4 department.

5 (3) The snowmobile [or], ATV or OHM is operated on land  
6 owned or leased by the owner or operator of the snowmobile  
7 [or], ATV or OHM and it is not operated elsewhere within this  
8 Commonwealth. Except as otherwise provided in this  
9 subsection, an OHM does not need to be registered with the  
10 department when the OHM operator is invited on the land by  
11 the owner or lessee of the land.

12 (4) The owner of the snowmobile [or], ATV or OHM is not  
13 a resident of this Commonwealth and the operator presents  
14 proof that the snowmobile [or], ATV or OHM has been properly  
15 registered in another jurisdiction that exempts from its  
16 registration requirements persons who have obtained proper  
17 registration under this chapter.

18 \* \* \*

19 Section 6. Sections 7711.2 heading, (a) introductory  
20 paragraph and (2), (b) and (d), 7712.1 heading, (a), (b), (c),  
21 (d), (g), (h) (2) and (3) and (j), 7712.2(a), (b), (c)  
22 introductory paragraph and (d), 7712.3 heading, (a) and (c),  
23 7712.5(c), 7712.6(a) and (b), 7712.7(a) and (c), 7712.8 heading,  
24 (a), (b) and (c), 7712.9(a) and (b), 7712.10, 7712.12(a) and  
25 7712.13 of Title 75 are amended to read:

26 § 7711.2. Limited registration of snowmobile [or], ATV or OHM.

27 (a) General rule.--It is unlawful for a person to operate or  
28 for an owner to permit another person to operate a snowmobile  
29 [or], ATV or OHM identified in section 7711.1(f) (3) (relating to  
30 registration of snowmobile [or], ATV or OHM) unless:

1 \* \* \*

2 (2) There is displayed on the snowmobile a valid  
3 registration decal or on the ATV or OHM a valid registration  
4 plate issued pursuant to subsection (b).

5 \* \* \*

6 (b) Issuance.--Upon receipt of an application therefor upon  
7 a form prescribed and furnished by the department which shall  
8 contain information reasonably required by the department, the  
9 department shall issue to the owner of a snowmobile [or], ATV or  
10 OHM for which limited registration is required under subsection  
11 (a):

12 (1) A limited registration certificate containing the  
13 registration number for the snowmobile [or], ATV or OHM.

14 (2) A registration decal displaying the registration  
15 number for a snowmobile or a registration plate displaying  
16 the registration number for an ATV or OHM.

17 \* \* \*

18 (d) Transfer of ownership.--Upon transfer of ownership of a  
19 snowmobile [or], ATV or OHM for which a limited registration  
20 certificate has been issued, the limited registration  
21 certificate shall become invalid. The transferor shall, within  
22 15 days from the date of transfer, return to the department the  
23 limited registration certificate with the date of transfer and  
24 the name and address of the new owner endorsed on the back. The  
25 registration decal or plate shall not be removed from the  
26 snowmobile [or], ATV or OHM upon transfer to the new owner and  
27 is invalid until the new owner obtains a registration  
28 certificate or limited registration certificate for the  
29 snowmobile [or], ATV or OHM.

30 \* \* \*

1 § 7712.1. Certificate of title for snowmobile [or], ATV or OHM.

2 (a) General rule.--Except as otherwise provided in  
3 subsection (b), an owner of a snowmobile [or], ATV or OHM which  
4 is in this Commonwealth and for which no certificate of title  
5 has been issued shall apply to the department for a certificate  
6 of title.

7 (b) Exemptions from titling.--No certificate of title is  
8 required for:

9 (1) A snowmobile [or], ATV or OHM that was registered  
10 prior to the effective date of this section.

11 (2) A snowmobile [or], ATV or OHM owned by the United  
12 States unless a general registration certificate has been  
13 issued therefor.

14 (3) A new snowmobile [or], ATV or OHM owned by a dealer  
15 before and until sale.

16 (4) A snowmobile [or], ATV or OHM owned by a nonresident  
17 of this Commonwealth and not required by law to be registered  
18 in this Commonwealth.

19 (5) A snowmobile [or], ATV or OHM owned by a resident of  
20 this Commonwealth and required by law to be registered in  
21 another state, based and used principally outside of this  
22 Commonwealth and not required by law to be registered in this  
23 Commonwealth.

24 (6) A non-street legal OHM purchased after the enactment  
25 of this subsection.

26 (c) Contents of application.--Application for a certificate  
27 of title shall be made upon a form prescribed and furnished by  
28 the department and shall contain a full description of the  
29 snowmobile [or], ATV or OHM, date of purchase, the name and  
30 address of the owner, a statement of the title of applicant,

1 together with any other information or documents the department  
2 requires to identify the snowmobile [or], ATV or OHM and to  
3 enable the department to determine whether the owner is entitled  
4 to a certificate of title.

5 (d) Signing and filing of application.--Application for a  
6 certificate of title shall be made within 15 days of the sale or  
7 transfer of a snowmobile [or], ATV or OHM or its entry into this  
8 Commonwealth from another jurisdiction, whichever is later. The  
9 application shall be accompanied by the required fee and any tax  
10 payable by the applicant under the laws of this Commonwealth in  
11 connection with the acquisition or use of a snowmobile [or], ATV  
12 or OHM or evidence to show that the tax has been paid or  
13 collected. The application shall be signed and verified by oath  
14 or affirmation by the applicant if a natural person; in the case  
15 of an association or partnership, by a member or a partner; and  
16 in the case of a corporation, by an executive officer or person  
17 specifically authorized by the corporation to sign the  
18 application.

19 (g) Registration without certificate of title prohibited.--  
20 Except as provided in subsection (b), the department shall not  
21 issue a registration certificate or limited registration  
22 certificate for a snowmobile [or], ATV or OHM or a vintage  
23 snowmobile permit for a vintage snowmobile unless a certificate  
24 of title has been issued by the department to the owner or an  
25 application for a certificate of title has been delivered by the  
26 owner to the department.

27 (h) Refusing issuance of certificate of title.--The  
28 department may refuse issuance of a certificate of title if it  
29 has reasonable grounds to believe any one of the following:

30 \* \* \*

1 (2) Any taxes payable under the laws of this  
2 Commonwealth on or in connection with, or resulting from the  
3 acquisition or use of, the snowmobile [or], ATV or OHM have  
4 not been paid.

5 (3) The applicant is not the owner of the snowmobile  
6 [or], ATV or OHM.

7 \* \* \*

8 (j) Transfer of ownership of snowmobile [or], ATV or OHM.--

9 (1) Upon the sale or transfer of ownership of a  
10 snowmobile [or], ATV or OHM within this Commonwealth, the  
11 owner shall execute an assignment and warranty of title to  
12 the transferee in the space provided on the certificate of  
13 title or as the department prescribes, sworn to before a  
14 notary public or other officer empowered to administer oaths,  
15 and deliver the certificate to the transferee at the time of  
16 the delivery of the snowmobile [or], ATV or OHM.

17 (2) Except as otherwise provided in section 7715.1  
18 (relating to snowmobile [or], ATV or OHM purchased from  
19 dealer), the transferee shall, within 15 days of the  
20 assignment of the certificate of title, apply for a new title  
21 by forwarding to the department the certificate of title  
22 executed as required by paragraph (1), a properly completed  
23 application for certificate of title, sworn to before a  
24 notary public or other officer empowered to administer oaths,  
25 and such other forms as the department may require.

26 \* \* \*

27 § 7712.2. Transfer to or from dealer.

28 (a) Transfer to dealer.--If a dealer acquires a snowmobile  
29 [or], ATV or OHM for the purpose of resale, a certificate of  
30 title need not be applied for as provided for in section 7712.1

1 (relating to certificate of title for snowmobile [or], ATV or  
2 OHM), but the dealer shall, within seven days from the date of  
3 acquisition, forward to the department, upon a form prescribed  
4 and furnished by the department, notification of the acquisition  
5 of the snowmobile [or], ATV or OHM.

6 (b) Execution and display of notice of transfer.--A dealer  
7 making notification pursuant to subsection (a) shall execute at  
8 least three copies of the notification, the original of which  
9 shall be forwarded to the department, one copy to accompany the  
10 snowmobile [or], ATV or OHM in any subsequent transfer and one  
11 copy to be retained by the dealer for at least one year after a  
12 subsequent transfer, to be exhibited, with the assigned  
13 certificate of title, upon request of a police officer or  
14 authorized department employee.

15 (c) Transfer from dealer.--Except as otherwise provided in  
16 subsection (a), if a dealer transfers the dealer's interest in a  
17 snowmobile [or], ATV or OHM:

18 \* \* \*

19 (d) Exception for repossessed snowmobiles [or], ATV's or  
20 OHM's.--This section does not apply to a snowmobile [or], ATV or  
21 OHM repossessed upon default of performance of a lease, contract  
22 of conditional sale or similar agreement.

23 \* \* \*

24 § 7712.3. Transfer of snowmobile [or], ATV or OHM by operation  
25 of law.

26 (a) General rule.--If the interest of an owner in a  
27 snowmobile [or], ATV or OHM passes to another other than by  
28 voluntary transfer, the transferee shall, except as otherwise  
29 provided, promptly mail or deliver to the department the last  
30 certificate of title, if available, and shall apply for a new

1 certificate of title on a form prescribed and furnished by the  
2 department. The application shall be accompanied by such  
3 instruments or documents of authority, or certified copies  
4 thereof, as may be sufficient or required by law to evidence or  
5 effect a transfer of title or interest in or to chattels in such  
6 case.

7 \* \* \*

8 (c) Surrender of certificate.--A person holding a  
9 certificate of title, whose interest in a snowmobile [or],ATV  
10 or OHM has been extinguished or transferred other than by  
11 voluntary transfer, shall immediately surrender the certificate  
12 of title to the person to whom the right to possession of the  
13 snowmobile [or],ATV or OHM has passed. Upon request of the  
14 department, such person shall mail or deliver the certificate to  
15 the department. Delivery of the certificate pursuant to the  
16 request of the department does not affect the rights of the  
17 person surrendering the certificate.

18 § 7712.5. Issuance of new certificate following transfer.

19 \* \* \*

20 (c) Filing and retention of surrendered certificate.--The  
21 department shall file and retain for five years a surrendered  
22 certificate of title, or a copy, in such a manner as to permit  
23 the tracing of title of the snowmobile [or],ATV or OHM.

24 § 7712.6. Suspension and cancellation of certificate of title.

25 (a) Return of new snowmobile [or],ATV or OHM.--The  
26 department may cancel the certificate of title issued for a new  
27 snowmobile [or],ATV or OHM if it is shown by satisfactory  
28 evidence that the snowmobile [or],ATV or OHM has been returned  
29 to the dealer from whom obtained.

30 (b) Snowmobile [or],ATV or OHM sold to nonresidents.--The

1 department may cancel a certificate of title for a snowmobile  
2 [or], ATV or OHM sold to a resident of another state or foreign  
3 country if the snowmobile [or], ATV or OHM is to be registered  
4 in the other jurisdiction.

5 \* \* \*

6 § 7712.7. Application for certificate of title by agent.

7 (a) Authorization to apply.--No person may apply for a  
8 certificate of title on behalf of another person unless  
9 authorization to do so is in effect and is verified by oath or  
10 affirmation of the other person, made, except as between lessors  
11 and fleet owners as lessees, not more than 15 days before the  
12 application is received by the department. A lessor may  
13 authorize a fleet owner to apply for a certificate of title for  
14 a leased snowmobile [or], ATV or OHM for a period of up to one  
15 year.

16 \* \* \*

17 (c) Persons authorized to hold certificate.--No person may  
18 receive, obtain or hold a certificate of title recorded in the  
19 name of another person for the other person who is not in the  
20 regular employ of, or not a member of the family of, the other  
21 person, unless the person receiving, obtaining or holding the  
22 certificate of title has a valid undischarged security interest  
23 recorded in the department against the snowmobile [or], ATV or  
24 OHM represented by the certificate of title.

25 \* \* \*

26 § 7712.8. Perfection of security interest in a snowmobile [or],  
27 ATV or OHM.

28 (a) Applicability of section.--Except as otherwise provided  
29 in 13 Pa.C.S. §§ 9311(d) (relating to perfection of security  
30 interests in property subject to certain statutes, regulations



1 and treaties), 9315(c) and (d) (relating to secured party's  
2 rights on disposition of collateral and in proceeds) and 9316(d)  
3 and (e) (relating to effect of change in governing law), this  
4 section provides the exclusive method of perfecting a security  
5 interest in a snowmobile [or], ATV or OHM for which a  
6 certificate of title is required under this subchapter.

7 (b) Snowmobiles [or], ATV's or OHM's without Pennsylvania  
8 certificate of title.--If an owner creates a security interest  
9 in a snowmobile [or], ATV or OHM for which a certificate of  
10 title has not been issued by the department, the owner shall, at  
11 the request of the secured party, promptly execute an  
12 application for a certificate of title on a form prescribed by  
13 the department showing the name and address of the secured  
14 party. The owner shall tender the application, the existing  
15 certificate of title, if any, and the required fee to the  
16 department. A security interest in a snowmobile [or], ATV or OHM  
17 is perfected at the time that such application, existing  
18 certificate of title, if any, and required fee are received by  
19 the department.

20 (c) Snowmobiles [or], ATV's or OHM's with Pennsylvania  
21 certificate of title.--If an owner creates a security interest  
22 in a snowmobile [or], ATV or OHM for which a certificate of  
23 title has been issued by the department, the owner shall, at the  
24 request of the secured party, promptly execute an application on  
25 a form prescribed by the department showing the name and address  
26 of the secured party. The owner shall tender the certificate of  
27 title, together with the application and the required fee, to  
28 the department. A security interest in a snowmobile [or], ATV or  
29 OHM is perfected at the time such application, certificate of  
30 title and required fee are received by the department.

1 \* \* \*

2 § 7712.9. Satisfaction of security interest.

3 (a) Satisfaction of secured obligation.--Unless otherwise  
4 agreed by the owner, within 15 days of the satisfaction of the  
5 obligation secured by a security interest in a snowmobile [or],  
6 ATV or OHM, the secured party shall mail or deliver the  
7 certificate of title to the owner or to the department with a  
8 statement of satisfaction signed by the secured party. Upon  
9 receipt of the certificate of title and statement of  
10 satisfaction, the department shall issue a corrected certificate  
11 of title without an indorsement of such secured party's security  
12 interest and mail the same to the holder of the first remaining  
13 security interest or, if there is no remaining security  
14 interest, the owner.

15 (b) Satisfaction of subordinate secured obligation.--If the  
16 certificate of title for a snowmobile [or], ATV or OHM is in the  
17 possession of a prior secured party, the subordinate secured  
18 party whose obligation is satisfied shall mail or deliver to the  
19 owner a signed statement of satisfaction in accordance with  
20 subsection (a). Upon request of the owner and receipt of the  
21 statement of satisfaction, the secured party in possession of  
22 the certificate of title shall mail or deliver the certificate  
23 of title, together with the statement of satisfaction, to the  
24 department. Upon receipt of the certificate of title and  
25 evidence of satisfaction, the department shall issue a corrected  
26 certificate of title without an indorsement of the satisfied  
27 security interest and mail the same to the prior secured party.

28 \* \* \*

29 § 7712.10. Release of security interest.

30 A secured party that releases a security interest in a

1 snowmobile [or], ATV or OHM shall mail or deliver the  
2 certificate of title to the owner with a statement of release  
3 signed by the secured party, or the secured party may apply to  
4 the department for a corrected certificate of title to be issued  
5 in the name of the owner. Upon receipt of the certificate of  
6 title and statement of release, the department shall issue a  
7 corrected certificate of title without an indorsement of such  
8 secured party and mail the same to the holder of the first  
9 remaining security interest or, if there is no remaining secured  
10 party, the owner.

11 § 7712.12. Assignment by secured party of security interest.

12 (a) General rule.--A secured party may assign, absolutely or  
13 otherwise, his security interest in a snowmobile [or], ATV or  
14 OHM to a person other than the owner without affecting the  
15 interest of the owner or the validity or perfection of the  
16 security interest.

17 \* \* \*

18 § 7712.13. Exemptions.

19 The provisions of this subchapter relating to procedures for  
20 perfecting, assigning and satisfying security interests do not  
21 apply to:

22 (1) a lien given by statute or rule of law to a supplier  
23 of services or materials for the snowmobile [or], ATV or OHM;

24 (2) a lien given by statute to the United States, the  
25 Commonwealth or any political subdivision of the  
26 Commonwealth;

27 (3) a security interest in a snowmobile [or], ATV or OHM  
28 described in 13 Pa.C.S. § 9311(d) (relating to perfection of  
29 security interests in property subject to certain statutes,  
30 regulations and treaties); or

1 (4) a snowmobile [or], ATV or OHM for which a  
2 certificate of title is not required under this subchapter.  
3 Section 7. Section 7715.1 heading and (a) of Title 75 are  
4 amended and the section is amended by adding a subsection to  
5 read:

6 § 7715.1. Snowmobile [or], ATV or OHM purchased from dealer.

7 (a) General rule.--If a snowmobile [or], ATV or OHM is  
8 purchased from a dealer, the dealer shall mail or deliver to the  
9 department an application for a registration certificate or  
10 limited registration certificate, an application for certificate  
11 of title, any other required forms and the required fees within  
12 15 days of the date of purchase.

13 (a.1) Except as provided in subsection (a), a dealer will  
14 submit to the department an application for a registration  
15 certificate or limited registration certificate, an application  
16 for certificate of title, any other required forms and the  
17 required fees only if requested by the purchaser of a non-street  
18 legal OHM.

19 \* \* \*

20 Section 8. Sections 7715.2(a)(5) and (b) introductory  
21 paragraph, 7716(1) and (2), 7717 heading, (a), (b)(1) and (2)  
22 and (f) and 7721(a), (b) introductory paragraph and (c)  
23 introductory paragraph and (2) of Title 75 are amended to read:  
24 § 7715.2. Fees.

25 (a) Fees.--Except as provided in subsection (b), the  
26 department shall collect the following fees:

27 \* \* \*

28 (5) Transfer of registration pursuant to section 7711.1  
29 (relating to registration of snowmobile [or], ATV or OHM),  
30 \$5.

1 \* \* \*

2 (b) Exemptions from fees.--Subsection (a) does not apply to  
3 a snowmobile [or], ATV or OHM owned by:

4 \* \* \*

5 § 7716. Records.

6 The department shall maintain a record, which shall be made  
7 available to all enforcement agencies, of:

8 (1) The registration number for each snowmobile [and],   
9 ATV and OHM for which a registration certificate or limited  
10 registration certificate is issued.

11 (2) The name and address of the owner of each snowmobile  
12 [and], ATV and OHM for which a registration certificate or  
13 limited registration certificate is issued.

14 \* \* \*

15 § 7717. Snowmobile [and], ATV and OHM Advisory Committee.

16 (a) Establishment.--There is hereby established under the  
17 jurisdiction of the department a board known as the Snowmobile  
18 [and], ATV and OHM Advisory Committee.

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

21 (1) The chairman and minority chairman of the  
22 [Environmental Resources and Energy Committee] Community,  
23 Economic and Recreational Development Committee of the  
24 Senate.

25 (2) The chairman and minority chairman of the  
26 [Environmental Resources and Energy Committee] Tourism and  
27 Recreational Development Committee of the House of  
28 Representatives.

29 \* \* \*

30 (f) Powers and duties.--The powers and duties of the

1 committee shall be to advise the Secretary of Conservation and  
2 Natural Resources on matters concerning the implementation of  
3 this chapter, including existing and proposed regulations,  
4 standards, policies, guidelines and practices; use and operation  
5 of snowmobiles [and], ATV's and OHM's on public and private  
6 land; acquisition, construction, development and maintenance of  
7 trails; enforcement; and allocation of fees collected by the  
8 department pursuant to this chapter.

9 § 7721. Operation on streets and highways.

10 (a) General rule.--Except as otherwise provided in this  
11 chapter, it is unlawful to operate a snowmobile [or an], ATV or  
12 OHM on any street or highway which is not designated and posted  
13 as a snowmobile [or an], ATV or OHM road by the governmental  
14 agency having jurisdiction.

15 (b) Emergency and bridge crossings.--A snowmobile [or an],   
16 ATV or OHM may be operated on highways and streets:

17 \* \* \*

18 (c) Crossing street or highway.--A snowmobile [or an], ATV  
19 or OHM may make a direct crossing of a street or highway upon  
20 compliance with the following requirements:

21 \* \* \*

22 (2) The snowmobile [or], ATV or OHM is brought to a  
23 complete stop before crossing the shoulder or main-traveled  
24 way of the highway.

25 \* \* \*

26 Section 9. Section 7722 heading, (a) and (c) of Title 75 are  
27 amended and the section is amended by adding a subsection to  
28 read:

29 § 7722. Designation of snowmobile [and], ATV and OHM roads.

30 (a) General rule.--The Department of Transportation on

1 State-designated highways and local authorities on any highway,  
2 road or street within its jurisdiction may designate any  
3 highway, road or street within its jurisdiction as a snowmobile  
4 road, an ATV road[, or both,] or an OHM road and may, in its  
5 discretion, determine whether such road shall be closed to  
6 vehicular traffic or whether snowmobiles [and], ATV's and OHM's  
7 may share this designated road with vehicular traffic.

8 (a.1) State forest land.--If a local authority designates a  
9 roadway within its jurisdiction as open for snowmobile, ATV or  
10 OHM use, or a combination, and the roadway is adjacent to or  
11 adjoining State forest land, the department shall make roads and  
12 trails in that forest available for the use of vehicles  
13 regulated under this chapter.

14 \* \* \*

15 (c) Liability.--There shall be no liability imposed on the  
16 Department of Transportation or any other State agency or any  
17 political subdivision of this Commonwealth as a result of  
18 designating any highway, road or street as a snowmobile road  
19 [or], an ATV road or an OHM road as provided in subsection (a).  
20 Section 10. Sections 7723 and 7724(a) and (b)(1) and (2)(i)  
21 and (ii) introductory paragraph and (B) of Title 75 are amended  
22 to read:

23 § 7723. Special snowmobile [and], ATV and OHM events.

24 (a) General rule.--Snowmobiles [and], ATV's and OHM's may be  
25 operated on highways and streets for special snowmobile [and],  
26 ATV and OHM events of limited duration which are conducted  
27 according to a prearranged schedule under permit from the  
28 governmental agency having jurisdiction.

29 (b) Authority of local authorities.--A local authority may  
30 block off highways and streets within its jurisdiction for the

1 purpose of allowing snowmobile [and], ATV and OHM races, rallies  
2 or derbies. No State trunk highway or connecting street, or part  
3 thereof, shall be blocked off by any local authority for any  
4 snowmobile [or], ATV and OHM race, rally or derby.

5 (c) Notification and duty of police.--A local authority  
6 shall notify the local police department and the county  
7 sheriff's office at least one week in advance of the time and  
8 place of any snowmobile [or], ATV or OHM race, rally or derby  
9 which may result in any highway or street, or part thereof,  
10 being blocked off. Upon such notice, the local police department  
11 shall take such measures as it deems appropriate to protect  
12 persons and property and to regulate traffic in the designated  
13 area and its vicinity on the day of such race, rally or derby.  
14 § 7724. Operation on private or State property.

15 (a) Private real property.--

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

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

29 (b) State property.--

30 (1) No person shall operate a snowmobile [or], an ATV or



1 an OHM on State-owned property except on clearly marked and  
2 previously designated snowmobile or ATV routes or as  
3 expressly permitted by the Commonwealth.

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

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

16 \* \* \*

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

22 \* \* \*

23 Section 11. Section 7725(a), (e), (f), (g), (h) and (i) of  
24 Title 75 are amended and the section is amended by adding a  
25 subsection to read:

26 § 7725. Operation by persons under age sixteen.

27 (a) Crossing street or highway.--No person under 16 years of  
28 age shall drive a snowmobile [or], an ATV or an OHM across any  
29 highway or connecting street thereto unless he is under the  
30 direct supervision of a person 18 years of age or older and

1 unless he holds a valid and appropriate safety certificate from  
2 the Commonwealth or a valid and approved certificate issued  
3 under the authority of another state or Province of Canada. The  
4 department shall determine what certificates will be approved.

5 \* \* \*

6 (e) Permitting unauthorized operation.--No owner of a  
7 snowmobile [or], an ATV or an OHM shall authorize or permit the  
8 operation thereof within this Commonwealth by any person under  
9 16 years of age unless the person under 16 years of age is the  
10 holder of a valid and appropriate safety certificate, or except  
11 as authorized in subsections (b), (b.2) and (c).

12 (f) Certification of [snowmobile] safety instructors.--The  
13 department may certify [snowmobile or ATV] safety instructors to  
14 act as its agents in conducting classes and examinations and  
15 issuing [snowmobile or ATV] safety certificates in its name.

16 (g) Operation on snowmobile [and], ATV and OHM roads.--No  
17 person under 16 years of age may operate a snowmobile [or], an  
18 ATV or an OHM on streets or highways designated under section  
19 7722 (relating to designation of snowmobile [and], ATV and OHM  
20 roads) as open to snowmobile [or], ATV or OHM and vehicular  
21 traffic. A person under 16 years of age who holds the  
22 appropriate safety certificate may operate a snowmobile [or], an  
23 ATV or an OHM on roads designated under section 7724(b)  
24 (relating to operation on private or State property) as open to  
25 snowmobile [or], ATV or OHM and vehicular traffic, provided he  
26 is under the direct supervision of a person 18 years of age or  
27 older.

28 (h) Snowmobile [and], ATV and OHM safety program.--The  
29 department shall implement a comprehensive snowmobile [and], ATV  
30 and OHM information, safety education and training program which

1 shall include the preparation and dissemination of information  
2 and safety advice to the public and training of operators. The  
3 program shall provide for the training of youthful operators and  
4 others who wish to receive training. It shall also provide for  
5 the issuance of snowmobile [or], ATV or OHM safety certificates  
6 to those who successfully complete the training provided under  
7 the program.

8 (h.1) Exemption from liability.--A public or private owner  
9 of real property who authorizes the use of the owner's real  
10 property for the purpose of a snowmobile, ATV or OHM safety  
11 education and training program shall not be held civilly liable  
12 for any injury or death to a person or damage to property that  
13 may occur during the course or instruction or training except  
14 for willful or malicious failure to warn against a dangerous  
15 condition, use, structure or activity.

16 (i) Cooperation with other organizations.--In implementing a  
17 program which is established under this section, the department  
18 shall cooperate with private organizations and associations,  
19 private and public corporations, the Department of Education and  
20 local governmental units. The department shall consult with  
21 snowmobile, ATV, OHM and environmental organizations and  
22 associations in regard to subject matter of a training program  
23 that leads to certification of snowmobile [and], ATV and OHM  
24 operators.

25 Section 12. Sections 7726(a) introductory paragraph, (b) and  
26 (c) introductory paragraph, (2) and (5), 7727, 7728, 7729(a) and  
27 7730(a), (b) and (c) of Title 75 are amended to read:

28 § 7726. Operation in safe manner.

29 (a) General rule.--No person shall operate a snowmobile  
30 [or], an ATV or an OHM in any of the following ways:

1 \* \* \*

2 (b) Permitting unsafe operation.--No owner or other person  
3 having charge or control of a snowmobile [or], an ATV or an OHM  
4 shall knowingly authorize or permit the operation of the  
5 snowmobile [or], ATV or OHM by any person who is incapable to do  
6 so by reason of age, physical or mental disability, or who is  
7 under the influence of alcohol or any controlled substance.

8 (c) Operation on highways and streets open to snowmobiles  
9 [or], ATV's or OHM's and vehicular traffic.--No person shall  
10 operate a snowmobile [or], ATV or OHM in any of the following  
11 ways on highways and streets open to snowmobiles [or], ATV's or  
12 OHM's and vehicular traffic:

13 \* \* \*

14 (2) Ride two snowmobiles [or], ATV's or OHM's abreast.  
15 Snowmobiles [and], ATV's and OHM's shall be operated in  
16 single file except when overtaking another vehicle. The  
17 driver of any vehicle overtaking another vehicle proceeding  
18 in the same direction shall pass at a safe distance to the  
19 left thereof, until safely clear of such overtaken vehicle.  
20 Nothing in this section shall be construed to prohibit a  
21 driver overtaking the passing upon the right of another  
22 vehicle which is making or about to make a left turn. The  
23 driver of a vehicle shall not drive to the left side of the  
24 center of a highway in overtaking or passing another vehicle  
25 proceeding in the same direction, unless the left side is  
26 clearly visible and is free of oncoming traffic for a  
27 sufficient distance ahead to permit the overtaking or passing  
28 to be made in safety.

29 \* \* \*

30 (5) Without a securely fastened helmet on the head of an

1 individual who operates or is a passenger on a snowmobile  
2 [or], ATV or OHM or who is being towed or otherwise propelled  
3 by a snowmobile. The department shall specify the types of  
4 helmets allowed through rules and regulations.

5 § 7727. Additional limitations on operation.

6 Except as otherwise permitted under Title 34 (relating to  
7 game), no person shall:

8 (1) Operate or ride in any snowmobile [or], ATV or OHM  
9 with any bow and arrows or with any firearm in his possession  
10 unless it is unstrung or unloaded.

11 (2) Drive or pursue any game or wildlife with a  
12 snowmobile [or], an ATV or an OHM.

13 § 7728. Accidents and accident reports.

14 (a) Duty to stop and provide information.--Whenever any  
15 snowmobile [or], ATV or OHM is involved in an accident resulting  
16 in loss of life, personal injury or damage to property and the  
17 operator thereof has knowledge of such accident, he shall stop  
18 and give his name and address, the name and address of the owner  
19 thereof and the registration number of the snowmobile [or], ATV  
20 or OHM to the injured person or the person sustaining the damage  
21 or to a police officer. In case no police officer nor the person  
22 sustaining the damage is present at the place where the damage  
23 occurred, then the operator shall immediately report, as soon as  
24 he is physically able, the accident to the nearest law  
25 enforcement agency.

26 (b) Report of accident to department.--The operator of any  
27 snowmobile [or], ATV or OHM involved in any accident resulting  
28 in injuries to or death of any person or resulting in property  
29 damage to the estimated amount of \$100 or more shall, within  
30 seven days after such accident, report the matter in writing to

1 the department. If the operator is physically incapable of  
2 making the report and there is another participant in the  
3 accident not so incapacitated, the participant shall make the  
4 report within the prescribed period of time after the accident.  
5 In the event that there is no other participant and the operator  
6 is other than the owner, then the owner shall within the  
7 prescribed period of time, after learning of the facts of such  
8 accident, report the matter to the department, together with  
9 such information as may have come to his knowledge relating to  
10 such accident. Every operator or owner of a snowmobile [or], an  
11 ATV or an OHM in an accident, or surviving participant of any  
12 such accident, shall make such other and additional reports as  
13 the department shall require.

14 (c) Report by law enforcement officer.--A law enforcement  
15 officer who investigates or receives information of an accident  
16 involving a snowmobile [or], an ATV or an OHM shall make a  
17 written report of the investigation or information received, and  
18 such additional facts relating to the accident as may come to  
19 his knowledge, and mail the same within 48 hours to the  
20 department and keep a record thereof in his office.

21 (d) Exception.--This section does not apply when property  
22 damage is sustained in sanctioned snowmobile [or], ATV or OHM  
23 races, derbies and rallies.

24 § 7729. Liability of owner for negligence.

25 (a) General rule.--Negligence in the use or operation of a  
26 snowmobile [or], an ATV or an OHM is attributable to the owner.  
27 Every owner of a snowmobile [or], an ATV or an OHM used or  
28 operated in this Commonwealth shall be liable and responsible  
29 for death or injury to person or damage to property resulting  
30 from negligence in the use or operation of such snowmobile [or],

1 ATV or OHM by any person using or operating the snowmobile [or],  
2 ATV or OHM with the permission, express or implied, of such  
3 owner.

4 \* \* \*

5 § 7730. Liability insurance.

6 (a) Requirement.--A snowmobile [or], ATV or OHM for which  
7 registration is required under this chapter shall have liability  
8 insurance coverage for the snowmobile [or], ATV or OHM issued by  
9 an insurance carrier authorized to do business in this  
10 Commonwealth. This subsection does not apply to limited  
11 registrations.

12 (b) Proof of insurance.--Proof of insurance as required by  
13 this section shall be produced and displayed by the owner or  
14 operator of such snowmobile [or], ATV or OHM upon the request of  
15 any magistrate or any person having authority to enforce the  
16 provisions of this chapter or to any person who has suffered or  
17 claims to have suffered either personal injury or property  
18 damage as a result of the operation of such snowmobile [or], ATV  
19 or OHM. It shall be an affirmative defense to any prosecution  
20 for a violation of this section that such proof was so produced  
21 within 72 hours of receiving notice of such violation, injury or  
22 damage or the claim of such injury or damage.

23 (c) Owner's responsibility.--No owner of a snowmobile [or],  
24 ATV or OHM shall operate or permit the same to be operated  
25 without having in full force and effect liability insurance  
26 coverage required by this section. The operator of a snowmobile  
27 [or], ATV or OHM shall carry proof of insurance on his person or  
28 on the snowmobile [or], ATV or OHM when it is in operation.

29 \* \* \*

30 Section 13. Section 7741(a) and (b) of Title 75 are amended

1 and the section is amended by adding a subsection to read:

2 § 7741. Head lamps and tail lamps.

3 (a) Time of operation.--Every snowmobile [or], ATV or OHM  
4 operated during hours of darkness shall display a lighted head  
5 lamp and tail lamp. The lights shall be in operation during the  
6 period of from one-half hour after sunset to one-half hour  
7 before sunrise and at any time when, due to insufficient light  
8 or unfavorable atmospheric conditions caused by fog or  
9 otherwise, other persons, vehicles and other objects are not  
10 clearly discernible for a distance of 500 feet ahead.

11 (b) Head lamp requirements.--The head lamp shall display  
12 white light of sufficient illuminating power to reveal any  
13 person, vehicle or substantial object at a distance of 100 feet  
14 ahead.

15 (1) If the snowmobile [or], ATV or OHM is equipped with  
16 a multiple beam head lamp, the upper beam shall meet the  
17 minimum requirements set forth in this section and the  
18 lowermost beam shall be so aimed and of sufficient intensity  
19 to reveal persons and vehicles at a distance of at least 50  
20 feet ahead.

21 (2) If the snowmobile [or], ATV or OHM is equipped with  
22 a single beam head lamp, the lamp shall be so aimed that when  
23 the vehicle is loaded none of the high intensity portion of  
24 the light, at a distance of 75 feet ahead, projects higher  
25 than the level of the center of the lamp from which it comes.

26 \* \* \*

27 (d) Construction.--Nothing in this section shall be  
28 construed to require that an OHM be equipped with head lamps or  
29 tail lamps as a requirement of sale.

30 Section 14. Sections 7742(b), 7743(a) and (b), 7751(b) and



1 (d) and 7752(d) (1) of Title 75 are amended to read:

2 § 7742. Brakes.

3 \* \* \*

4 (b) ATV's and OHM's.--It is unlawful to operate an ATV or an  
5 OHM which is not equipped with a braking system which may be  
6 operated by hand or foot, capable of producing deceleration of  
7 14 feet per second on level ground at a speed of 20 miles per  
8 hour, and the design must permit simple and easy adjustment to  
9 compensate for wear.

10 § 7743. Mufflers and sound control.

11 (a) General rule.--It is unlawful to operate a snowmobile  
12 [or], an ATV or an OHM which is not equipped at all times with a  
13 muffler in good working order which blends the exhaust sound  
14 into the overall snowmobile [or], ATV or OHM sound and is in  
15 constant operation to prevent excessive or unusual sound. The  
16 exhaust system shall not emit or produce a sharp popping or  
17 crackling sound. The sound intensity produced by a snowmobile  
18 shall not exceed 82dbA when measured in accordance with SAE  
19 Recommended Practice J 192 Exterior Sound Level for Snowmobiles,  
20 as amended. The department may by regulation adopt more  
21 stringent sound requirements for snowmobiles. The department  
22 shall by regulation adopt sound requirements for in-use  
23 operation of ATV's and OHM's using measurement procedures in  
24 accordance with SAE Recommended Practice J 1287 July 1998,  
25 Measurement of Exhaust Level of Stationary Motorcycles. The  
26 sound level intensity produced by an ATV or an OHM manufactured  
27 before January 1, 1998, shall not exceed 99dbA, or decibels,  
28 when measured at 20 inches. The sound level intensity produced  
29 by an ATV or an OHM manufactured on or after January 1, 1998,  
30 shall not exceed 96dbA, or decibels, when measured at 20 inches.

1 (b) Modified mufflers prohibited.--It is unlawful to modify  
2 a muffler or to operate a snowmobile [or], an ATV or an OHM with  
3 a modified muffler so as to increase the sound level of the  
4 snowmobile [or], ATV or an OHM above the level allowed by this  
5 section.

6 \* \* \*

7 § 7751. Enforcement personnel and procedures.

8 \* \* \*

9 (b) Forms and procedures.--The department may prescribe the  
10 form of summons or complaint, or both, in all cases involving a  
11 violation of any provision of this chapter or of any ordinance,  
12 rule or regulation relating to snowmobiles [or], ATV's or OHM's,  
13 or of any class or category of such cases, and may establish  
14 procedures for proper administrative controls over the  
15 disposition thereof.

16 \* \* \*

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

23 § 7752. Penalties for violation of chapter.

24 \* \* \*

25 (d) Registration.--

26 (1) A person who violates section 7711.1 (relating to  
27 registration of snowmobile [or], ATV or OHM) or 7711.2  
28 (relating to limited registration of snowmobile [or], ATV or  
29 OHM) by failing to obtain the required registration  
30 certificate or limited registration certificate commits a

1 summary offense and shall, upon conviction, be sentenced to  
2 pay a fine of \$300 or to be imprisoned for 90 days, or both,  
3 and costs of prosecution. Proceedings for a summary offense  
4 under this paragraph must be commenced within 60 days after  
5 commission of the alleged offense or within 60 days after  
6 discovery of the commission of the offense or the identity of  
7 the offender, whichever is later.

8 \* \* \*

9 Section 15. This act shall take effect as follows:

10 (1) The following shall take effect immediately:

11 (i) The amendment of 75 Pa.C.S. §§ 7717 and 7722.

12 (ii) This section.

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