

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1183 Session of 2022

INTRODUCED BY BROWNE, SCAVELLO AND FONTANA, MAY 3, 2022

AS AMENDED ON THIRD CONSIDERATION, JUNE 7, 2022

AN ACT

1 Amending ~~Title 42 (Judiciary and Judicial Procedure)~~ TITLES 42 <--
2 (JUDICIARY AND JUDICIAL PROCEDURE) AND 75 (VEHICLES) of the
3 Pennsylvania Consolidated Statutes, in forfeiture of assets,
4 further providing for asset forfeiture; and, in snowmobiles
5 and all-terrain vehicles, further providing for operation on
6 streets and highways.

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

9 Section 1. Section 5803(a) of Title 42 of the Pennsylvania
10 Consolidated Statutes is amended by adding a paragraph to read:

11 § 5803. Asset forfeiture.

12 (a) Applicability.--Notwithstanding any law to the contrary,
13 this section shall apply to forfeitures conducted under the
14 following:

15 \* \* \*

16 (13.1) 75 Pa.C.S. § 7721(d) (relating to operation on
17 streets and highways).

18 \* \* \*

19 Section 2. Section 7721 of Title 75 is amended to read:

20 § 7721. Operation on streets and highways.

1 (a) General rule.--Except as otherwise provided in this  
2 chapter, it is unlawful to operate a snowmobile, dirt bike or an  
3 ATV on any street or highway which is not designated and posted  
4 as a snowmobile, dirt bike or an ATV road by the governmental  
5 agency having jurisdiction.

6 (b) Emergency and bridge crossings.--A snowmobile, dirt bike  
7 or an ATV may be operated on highways and streets:

8 (1) During periods of emergency when so declared by a  
9 policy agency having jurisdiction.

10 (2) When necessary to cross a bridge or culvert.

11 (c) Crossing street or highway.--A snowmobile, dirt bike or  
12 an ATV may make a direct crossing of a street or highway upon  
13 compliance with the following requirements:

14 (1) The crossing is made at an angle of approximately 90  
15 degrees to the direction of the highway and at a place where  
16 no obstruction prevents a quick and safe crossing.

17 (2) The snowmobile, dirt bike or ATV is brought to a  
18 complete stop before crossing the shoulder or main-traveled  
19 way of the highway.

20 (3) The driver yields the right-of-way to all oncoming  
21 traffic which constitutes an immediate hazard.

22 (4) In crossing a divided highway, the crossing is made  
23 only at an intersection of such highway with another public  
24 street or highway.

25 (d) Penalties.--A EXCEPT AS PROVIDED UNDER SUBSECTION (E), A <--  
26 dirt bike or all-terrain vehicle operated on any public street,  
27 highway or right-of-way in a city of the FIRST CLASS, SECOND <--  
28 CLASS, SECOND CLASS A OR third class or a borough in violation  
29 of this section shall be designated as prima facie contraband  
30 subject to forfeiture in accordance with 42 Pa.C.S. § 5803

1 (relating to asset forfeiture).

2 (E) APPLICABILITY.--THE PROVISIONS OF SUBSECTION (D) DO NOT <--  
3 APPLY TO A CITY OF THE THIRD CLASS OR BOROUGH THAT HAS ADOPTED  
4 AN ORDINANCE ALLOWING FOR THE OPERATION OF AN ATV WITHIN THE  
5 CITY OF THE THIRD CLASS OR BOROUGH IN ACCORDANCE WITH SECTION  
6 7722(A) (RELATING TO DESIGNATION OF SNOWMOBILE AND ATV ROADS) OR  
7 7724(B) (RELATING TO OPERATION ON PRIVATE OR STATE PROPERTY).

8 ~~(e)~~ (F) Definitions.--As used in this section, the following <--  
9 words and phrases shall have the meanings given to them in this  
10 subsection unless the context clearly indicates otherwise:

11 "Dirt bike." A two-wheeled motorcycle that is designed and  
12 manufactured for off-road use only and that does not comply with  
13 Federal motor vehicle safety standards or United States  
14 Environmental Protection Agency on-road emissions standards.

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