

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1183 Session of
2022

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

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 15, 2022

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75
2 (Vehicles) of the Pennsylvania Consolidated Statutes, in
3 forfeiture of assets, further providing for asset forfeiture;
4 ~~and, in snowmobiles and all terrain vehicles, further~~ <--
5 ~~providing for operation on streets and highways.~~ <--
6 MISCELLANEOUS PROVISIONS, PROVIDING FOR OFF-ROAD VEHICLES IN
7 URBAN MUNICIPALITIES; AND, IN SNOWMOBILES AND ALL-TERRAIN
8 VEHICLES, FURTHER PROVIDING FOR DEFINITIONS.

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

11 Section 1. Section 5803(a) of Title 42 of the Pennsylvania
12 Consolidated Statutes is amended by adding a paragraph to read:
13 § 5803. Asset forfeiture.

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

17 * * *

18 ~~(13.1) 75 Pa.C.S. § 7721(d) (relating to operation on~~ <--
19 ~~streets and highways).~~

20 * * *

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

2 ~~§ 7721. Operation on streets and highways.~~

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

8 ~~(b) Emergency and bridge crossings. A snowmobile, dirt bike~~
9 ~~or an ATV may be operated on highways and streets:~~

10 ~~(1) During periods of emergency when so declared by a~~
11 ~~policy agency having jurisdiction.~~

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

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

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

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

22 ~~(3) The driver yields the right of way to all oncoming~~
23 ~~traffic which constitutes an immediate hazard.~~

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

27 ~~(d) Penalties. Except as provided under subsection (e), a~~
28 ~~dirt bike or all terrain vehicle operated on any public street,~~
29 ~~highway or right of way in a city of the first class, second~~
30 ~~class, second class A or third class or a borough in violation~~

1 ~~of this section shall be designated as prima facie contraband~~
2 ~~subject to forfeiture in accordance with 42 Pa.C.S. § 5803~~
3 ~~(relating to asset forfeiture).~~

4 ~~(e) Applicability. The provisions of subsection (d) do not~~
5 ~~apply to a city of the first class, second class, second class A~~
6 ~~or third class or borough that has adopted an ordinance allowing~~
7 ~~for the operation of an ATV within the city of the first class,~~
8 ~~second class, second class A or third class or borough in~~
9 ~~accordance with section 7722(a) (relating to designation of~~
10 ~~snowmobile and ATV roads) or 7724(b) (relating to operation on~~
11 ~~private or State property).~~

12 ~~(f) Definitions. As used in this section, the following~~
13 ~~words and phrases shall have the meanings given to them in this~~
14 ~~subsection unless the context clearly indicates otherwise:~~

15 ~~"Dirt bike." A two wheeled motorcycle that is designed and~~
16 ~~manufactured for off road use only and that does not comply with~~
17 ~~Federal motor vehicle safety standards or United States~~
18 ~~Environmental Protection Agency on road emissions standards.~~

19 ~~(13.1) 75 PA.C.S. § 3721 (RELATING TO OFF-ROAD VEHICLES <--~~
20 ~~IN URBAN MUNICIPALITIES).~~

21 * * *

22 SECTION 2. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
23 § 3721. OFF-ROAD VEHICLES IN URBAN MUNICIPALITIES.

24 (A) PROHIBITION.--EXCEPT AS PROVIDED IN SUBCHAPTER C OF
25 CHAPTER 77 (RELATING TO OPERATION), SUBSECTION (B) OR OTHERWISE
26 PROVIDED BY THIS TITLE OR OTHER LAW OF THIS COMMONWEALTH, NO
27 INDIVIDUAL MAY OPERATE AN ALL-TERRAIN VEHICLE OR A DIRT BIKE ON
28 ANY OF THE FOLLOWING PUBLIC AREAS WITHIN THE BOUNDARIES OF AN
29 URBAN MUNICIPALITY:

30 (1) A HIGHWAY, INCLUDING THE BERM OR SHOULDER.

1 (2) A SIDEWALK.

2 (3) A PEDALCYCLE LANE.

3 (B) EXCEPTION FOR CROSSING.--SUBSECTION (A) SHALL NOT APPLY
4 TO THE OPERATION OF A DIRT BIKE WHILE MAKING A DIRECT CROSSING
5 OF A HIGHWAY IN COMPLIANCE WITH ALL OF THE FOLLOWING
6 REQUIREMENTS:

7 (1) THE CROSSING IS MADE AT AN ANGLE OF APPROXIMATELY 90
8 DEGREES TO THE DIRECTION OF THE HIGHWAY AND AT A PLACE WHERE
9 NO OBSTRUCTION PREVENTS A QUICK AND SAFE CROSSING.

10 (2) THE DIRT BIKE IS BROUGHT TO A COMPLETE STOP BEFORE
11 CROSSING THE SHOULDER OR MAIN-TRAVELED WAY OF THE HIGHWAY.

12 (3) THE INDIVIDUAL YIELDS THE RIGHT-OF-WAY TO ALL
13 ONCOMING TRAFFIC WHICH CONSTITUTES AN IMMEDIATE HAZARD.

14 (4) IN CROSSING A DIVIDED HIGHWAY, THE CROSSING IS MADE
15 ONLY AT AN INTERSECTION OF THE HIGHWAY WITH ANOTHER HIGHWAY.

16 (C) PENALTY.--EXCEPT AS PROVIDED IN SUBSECTION (D), AN
17 INDIVIDUAL WHO VIOLATES SUBSECTION (A) COMMITS A SUMMARY OFFENSE
18 AND SHALL, UPON CONVICTION:

19 (1) FOR A FIRST OFFENSE, BE SENTENCED TO PAY A FINE OF
20 NOT LESS THAN \$50 NOR MORE THAN \$200 AND COSTS OF PROSECUTION
21 AND, IN DEFAULT OF THE PAYMENT OF THE FINE OR COSTS, BE
22 IMPRISONED FOR NOT MORE THAN 10 DAYS.

23 (2) FOR A SUBSEQUENT OFFENSE, BE SENTENCED TO PAY A FINE
24 OF NOT LESS THAN \$100 NOR MORE THAN \$300 AND COSTS OF
25 PROSECUTION AND, IN DEFAULT OF THE PAYMENT OF THE FINE OR
26 COSTS, BE IMPRISONED FOR NOT MORE THAN 30 DAYS.

27 (D) PROHIBITION ON SIMILAR CITATIONS.--NO PERSON MAY BE
28 CHARGED WITH A VIOLATION OF SUBCHAPTER C OF CHAPTER 77
29 CONCURRENTLY WITH A VIOLATION OF SUBSECTION (A) FOR AN OFFENSE
30 COMMITTED AT THE SAME TIME AND PLACE.

1 (E) FORFEITURE.--AN ALL-TERRAIN VEHICLE OR DIRT BIKE
2 OPERATED IN VIOLATION OF SUBSECTION (A) SHALL BE DESIGNATED
3 PRIMA FACIE CONTRABAND SUBJECT TO FORFEITURE IN ACCORDANCE WITH
4 42 PA.C.S. § 5803 (RELATING TO ASSET FORFEITURE).

5 (F) CONSTRUCTION.--NOTHING CONTAINED IN THIS SECTION SHALL
6 BE CONSTRUED TO ALLOW THE OPERATION OF AN ALL-TERRAIN VEHICLE OR
7 DIRT BIKE OUTSIDE OF THE BOUNDARIES OF AN URBAN MUNICIPALITY IN
8 A MANNER THAT IS INCONSISTENT WITH THIS TITLE OR OTHER LAW OF
9 THIS COMMONWEALTH.

10 (G) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
11 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
12 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

13 "ALL-TERRAIN VEHICLE." AS DEFINED IN SECTION 7702 (RELATING
14 TO DEFINITIONS).

15 "DIRT BIKE." A TWO-WHEELED MOTOR VEHICLE THAT HAS A SEAT OR
16 SADDLE, IS DESIGNED AND MANUFACTURED EXCLUSIVELY FOR OFF-ROAD
17 USE AND DOES NOT COMPLY WITH FEDERAL MOTOR VEHICLE SAFETY
18 STANDARDS OR ENVIRONMENTAL PROTECTION AGENCY ON-ROAD EMISSIONS
19 STANDARDS. THE TERM DOES NOT INCLUDE:

20 (1) A VEHICLE THAT IS OR IS REQUIRED TO BE REGISTERED
21 UNDER CHAPTER 13 (RELATING TO REGISTRATION OF VEHICLES).

22 (2) A DUAL SPORT MOTORCYCLE.

23 (3) AN ELECTRIC PEDALCYCLE.

24 "DUAL SPORT MOTORCYCLE." A MOTORCYCLE THAT IS DESIGNED AND
25 MANUFACTURED TO BE RIDDEN ON AND OFF ROAD AND MAY OR MAY NOT BE
26 REGISTERED WITH THE DEPARTMENT.

27 "ELECTRIC PEDALCYCLE." A VEHICLE THAT:

28 (1) WEIGHS NOT MORE THAN 100 POUNDS WITH TWO WHEELS MORE
29 THAN 11 INCHES IN DIAMETER;

30 (2) IS MANUFACTURED OR ASSEMBLED WITH AN ELECTRIC MOTOR

1 SYSTEM RATED AT NOT MORE THAN 750 WATTS AND THAT CEASES TO
2 PROVIDE ASSISTANCE WHEN THE VEHICLE REACHES SPEEDS OF 28
3 MILES PER HOUR; AND

4 (3) IS EQUIPPED WITH OPERABLE PEDALS AND A SEAT OR
5 SADDLE FOR THE RIDER.

6 "URBAN MUNICIPALITY." A CITY OF THE FIRST CLASS, SECOND
7 CLASS, SECOND CLASS A, THIRD CLASS OR A BOROUGH.

8 SECTION 3. THE DEFINITION OF "ALL-TERRAIN VEHICLE" OR "ATV"
9 IN SECTION 7702 OF TITLE 75 IS AMENDED TO READ:

10 § 7702. DEFINITIONS.

11 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
12 SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE
13 MEANINGS GIVEN TO THEM IN THIS SECTION:

14 "ALL-TERRAIN VEHICLE" OR "ATV." A MOTORIZED OFF-HIGHWAY
15 VEHICLE WHICH TRAVELS ON THREE OR MORE [OFF-HIGHWAY] TIRES AND
16 WHICH HAS:

17 (1) A MAXIMUM WIDTH OF 50 INCHES AND A MAXIMUM DRY
18 WEIGHT OF 1,200 POUNDS; OR

19 (2) A WIDTH WHICH EXCEEDS 50 INCHES OR A DRY WEIGHT
20 WHICH EXCEEDS 1,200 POUNDS.

21 [ATV'S] AN ATV DESCRIBED IN PARAGRAPH (1) MAY BE REFERRED TO AS
22 A CLASS I [ATV'S] ATV, AND [ATV'S] AN ATV DESCRIBED IN PARAGRAPH
23 (2) MAY BE REFERRED TO AS A CLASS II [ATV'S] ATV. THIS TERM DOES
24 NOT INCLUDE SNOWMOBILES, TRAIL BIKES, MOTORBOATS, GOLF CARTS,
25 AIRCRAFT, DUNE BUGGIES, AUTOMOBILES, CONSTRUCTION MACHINES,
26 TRUCKS OR HOME UTILITY MACHINES; MILITARY, FIRE, EMERGENCY AND
27 LAW ENFORCEMENT VEHICLES; IMPLEMENTS OF HUSBANDRY; MULTIPURPOSE
28 AGRICULTURAL VEHICLES; VEHICLES USED BY THE DEPARTMENT; OR ANY
29 VEHICLE THAT IS OR IS REQUIRED TO BE REGISTERED UNDER CHAPTER 13
30 (RELATING TO REGISTRATION OF VEHICLES). IN ADDITION, THIS TERM

1 DOES NOT INCLUDE OFF-ROAD MOTOR VEHICLES USED EXCLUSIVELY AS
2 UTILITY VEHICLES FOR AGRICULTURAL OR BUSINESS OPERATIONS AND
3 INCIDENTALLY OPERATED OR MOVED UPON THE HIGHWAY.

4 * * *

5 Section 3 4. This act shall take effect in 60 days.

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