

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1183 Session of
2022

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 30, 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,
27 INCLUDING LOCAL ORDINANCES ADOPTED BY URBAN MUNICIPALITIES, NO <--
28 INDIVIDUAL MAY OPERATE AN ALL-TERRAIN VEHICLE OR A DIRT BIKE ON
29 ANY OF THE FOLLOWING PUBLIC AREAS WITHIN THE BOUNDARIES OF AN
30 URBAN MUNICIPALITY:

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

2 (2) A SIDEWALK.

3 (3) A PEDALCYCLE LANE.

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

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

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

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

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

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

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

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

28 (D) PROHIBITION ON SIMILAR CITATIONS.--NO PERSON MAY BE
29 CHARGED WITH A VIOLATION OF SUBCHAPTER C OF CHAPTER 77
30 CONCURRENTLY WITH A VIOLATION OF SUBSECTION (A) FOR AN OFFENSE

1 COMMITTED AT THE SAME TIME AND PLACE.

2 ~~(E) FORFEITURE. AN ALL TERRAIN VEHICLE OR DIRT BIKE~~ <--
3 ~~OPERATED IN VIOLATION OF SUBSECTION (A) SHALL BE DESIGNATED~~
4 ~~PRIMA FACIE CONTRABAND SUBJECT TO FORFEITURE IN ACCORDANCE WITH~~
5 ~~42 PA.C.S. § 5803 (RELATING TO ASSET FORFEITURE).~~

6 (E) FORFEITURE.-- <--

7 (1) IN ADDITION TO THE PENALTY PROVIDED UNDER SUBSECTION
8 (C) AND SUBJECT TO PARAGRAPH (2), AN ALL-TERRAIN VEHICLE OR
9 DIRT BIKE OPERATED IN VIOLATION OF SUBSECTION (A) SHALL BE
10 SUBJECT TO FORFEITURE IN ACCORDANCE WITH 42 PA.C.S. §§ 5803
11 (RELATING TO ASSET FORFEITURE), 5805 (RELATING TO FORFEITURE
12 PROCEDURE), 5806 (RELATING TO MOTION FOR RETURN OF PROPERTY),
13 5807 (RELATING TO RESTRICTIONS ON USE), 5807.1 (RELATING TO
14 PROHIBITION ON ADOPTIVE SEIZURES) AND 5808 (RELATING TO
15 EXCEPTIONS).

16 (2) FORFEITURE AS AUTHORIZED UNDER PARAGRAPH (1) MAY NOT
17 OCCUR UNLESS THE INDIVIDUAL IS CONVICTED OF A VIOLATION OF
18 SUBSECTION (A).

19 (3) A POLICE OFFICER MAY IMPOUND AN ALL-TERRAIN VEHICLE
20 OR DIRT BIKE OPERATED IN VIOLATION OF SUBSECTION (A) PENDING
21 FINAL DISPOSITION OF THE CASE OR A COURT ORDER.

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

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

30 "ALL-TERRAIN VEHICLE." AS DEFINED IN SECTION 7702 (RELATING

1 TO DEFINITIONS).

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

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

9 (2) A DUAL SPORT MOTORCYCLE.

10 (3) AN ELECTRIC PEDALCYCLE.

11 "DUAL SPORT MOTORCYCLE." A MOTORCYCLE THAT IS DESIGNED AND
12 MANUFACTURED TO BE RIDDEN ON AND OFF ROAD AND ~~MAY OR MAY NOT BE~~ <--
13 REGISTERED WITH THE DEPARTMENT IS TITLED AND REGISTERED WITH THE <--
14 DEPARTMENT FOR ON-ROAD USE.

15 "ELECTRIC PEDALCYCLE." A VEHICLE THAT:

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

18 (2) IS MANUFACTURED OR ASSEMBLED WITH AN ELECTRIC MOTOR
19 SYSTEM RATED AT NOT MORE THAN 750 WATTS AND THAT CEASES TO
20 PROVIDE ASSISTANCE WHEN THE VEHICLE REACHES SPEEDS OF 28
21 MILES PER HOUR; AND

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

24 "URBAN MUNICIPALITY." A CITY OF THE FIRST CLASS, SECOND
25 CLASS, SECOND CLASS A, ~~THIRD CLASS OR A BOROUGH A OR THIRD~~ <--
26 CLASS.

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

29 § 7702. DEFINITIONS.

30 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER

1 SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE
2 MEANINGS GIVEN TO THEM IN THIS SECTION:

3 "ALL-TERRAIN VEHICLE" OR "ATV." A MOTORIZED OFF-HIGHWAY
4 VEHICLE WHICH TRAVELS ON THREE OR MORE [OFF-HIGHWAY] TIRES AND
5 WHICH HAS:

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

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

10 [ATV'S] AN ATV DESCRIBED IN PARAGRAPH (1) MAY BE REFERRED TO AS
11 A CLASS I [ATV'S] ATV, AND [ATV'S] AN ATV DESCRIBED IN PARAGRAPH
12 (2) MAY BE REFERRED TO AS A CLASS II [ATV'S] ATV. THIS TERM DOES
13 NOT INCLUDE SNOWMOBILES, TRAIL BIKES, MOTORBOATS, GOLF CARTS,
14 AIRCRAFT, DUNE BUGGIES, AUTOMOBILES, CONSTRUCTION MACHINES,
15 TRUCKS OR HOME UTILITY MACHINES; MILITARY, FIRE, EMERGENCY AND
16 LAW ENFORCEMENT VEHICLES; IMPLEMENTS OF HUSBANDRY; MULTIPURPOSE
17 AGRICULTURAL VEHICLES; VEHICLES USED BY THE DEPARTMENT; OR ANY
18 VEHICLE THAT IS OR IS REQUIRED TO BE REGISTERED UNDER CHAPTER 13
19 (RELATING TO REGISTRATION OF VEHICLES). IN ADDITION, THIS TERM
20 DOES NOT INCLUDE OFF-ROAD MOTOR VEHICLES USED EXCLUSIVELY AS
21 UTILITY VEHICLES FOR AGRICULTURAL OR BUSINESS OPERATIONS AND
22 INCIDENTALLY OPERATED OR MOVED UPON THE HIGHWAY.

23 * * *

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

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