

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1088 Session of 2015

INTRODUCED BY WOZNIAK, COSTA, MENSCH, WAGNER, GORDNER, STEFANO  
AND YUDICHAK, DECEMBER 11, 2015

REFERRED TO TRANSPORTATION, DECEMBER 11, 2015

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 account, for registration of dealers, for  
5 registration or snowmobile or ATV, for limited registration  
6 snowmobile or ATV, for certificate of title for snowmobile or  
7 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 snowmobile or ATV  
15 purchased from dealer, for fees, for records, for snowmobile  
16 and ATV Advisory Committee, for operation on streets and  
17 highways, for designation of snowmobile or ATV roads, for  
18 special snowmobile or ATV events, for operation on private or  
19 State property, for operation by persons under age sixteen,  
20 for operation in safe manner, for additional limitations on  
21 operation, for accidents and accident reports, for liability  
22 of owner for negligence, for liability insurance, for head  
23 lamps and tail lamps, for brakes, for mufflers and noise  
24 control, for enforcement personnel and procedures and for  
25 penalties for violation of chapter; and making editorial  
26 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  
30 Pennsylvania Consolidated Statutes is amended to read:

1 CHAPTER 77

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

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

5 § 7701. Short title of chapter.

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

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

12 § 7702. Definitions.

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

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

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

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

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

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

6 \* \* \*

7 "Off-highway motorcycle" or "OHM." A motor vehicle that  
8 meets all of the following criteria:

9 (1) The motor vehicle is for use off the roads and  
10 highways of this Commonwealth.

11 (2) The motor vehicle has a seat or saddle for the use  
12 of the rider.

13 (3) The motor vehicle is designed to travel with not  
14 more than two wheels in contact with the ground.

15 \* \* \*

16 Section 4. Sections 7706(a)(1) and (2) and (b)(1) and (3),  
17 7711(a) and (e) introductory paragraph, (3) and (4), 7711.1(a)  
18 introductory paragraph, (1), (2) and (4), (b) introductory  
19 paragraph, (1) and (2), (d)(2) and (f)(1), (2), (3) and (4),  
20 7711.2 heading, (a) introductory paragraph and (2), (b) and (d),  
21 7712.1 heading, (a), (b), (c), (d), (g), (h)(2) and (3) and (j),  
22 7712.2(a), (b), (c) introductory paragraph and (d), 7712.3  
23 heading, (a) and (c), 7712.5(c), 7712.6(a) and (b), 7712.7(a)  
24 and (c), 7712.8 heading, (a), (b) and (c), 7712.9(a) and (b),  
25 7712.10, 7712.12(a), 7712.13, 7715.1 heading and (a), 7715.2(a)  
26 (5) and (b) introductory paragraph, 7716(1) and (2), 7717  
27 heading, (a), (b), (e)(1) and (2) and (f), 7721(a), (b)  
28 introductory paragraph and (c) introductory paragraph and (2),  
29 7722 heading, (a) and (c), 7723, 7724(a) and (b)(1) and (2)(i)  
30 and (ii)(B) and (C) are amended to read:

1 § 7706. Restricted account.

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

3 (1) The department shall deposit the following into a  
4 restricted account, which is hereby established:

5 (i) all moneys received from the registration of and  
6 issuance of certificates of title for snowmobiles [and],  
7 ATV's and OHM's and from the issuance of vintage  
8 snowmobile permits;

9 (ii) all revenue from the sale of any publications  
10 or services relating to snowmobiles and ATV's; and

11 (iii) all fines, penalties, fees and costs assessed  
12 and collected as a result of enforcement activities  
13 conducted by the department's law enforcement personnel  
14 under this chapter.

15 (2) The department shall draw moneys from the restricted  
16 account for use in performing any activities necessary to  
17 carry out the purposes of this chapter, including  
18 registration and certificate of title activities, training,  
19 education, enforcement activities, construction and  
20 maintenance of snowmobile [and], ATV and OHM trails and  
21 acquisition of equipment, supplies and interests in land. All  
22 moneys deposited in this account shall remain in it to be  
23 used as specified in this section.

24 \* \* \*

25 (b) Grant-in-aid.--The department shall, upon written  
26 application and subsequent approval, grant money from the  
27 restricted account:

28 (1) To municipalities and profit and nonprofit  
29 organizations in connection with snowmobile [and], ATV and  
30 OHM use on lands [not owned by the Commonwealth] for the

1 following:

2 (i) Plans, specifications and engineering surveys.

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

5 (iii) Land acquisition.

6 (iv) Construction, maintenance and rehabilitation of  
7 trails and other facilities for snowmobiles [and], ATV's  
8 and OHM's.

9 \* \* \*

10 (3) To profit and nonprofit organizations for the  
11 maintenance and rehabilitation, but not the construction, of  
12 snowmobile [and], ATV and OHM trails on land owned by the  
13 Commonwealth.

14 \* \* \*

15 § 7711. Registration of dealers.

16 (a) General rule.--A person who is in the business of  
17 selling snowmobiles [or], ATV's or OHM's in this Commonwealth  
18 shall register with the department as a dealer. A person who is  
19 in the business of selling snowmobiles [or], ATV's or OHM's  
20 outside this Commonwealth may register with the department as a  
21 dealer.

22 \* \* \*

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

26 \* \* \*

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

30 (4) The snowmobile [or], ATV or OHM is operated only for

1 the purpose of demonstration or testing in connection with  
2 the dealer's business.

3 § 7711.1. Registration of snowmobile or ATV.

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

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

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

14 \* \* \*

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

18 \* \* \*

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

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

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

30 \* \* \*

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 is operated on land owned  
6 or leased by the owner or operator of the snowmobile [or], ATV or OHM  
7 and it is not operated elsewhere within this  
8 Commonwealth.

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

15 \* \* \*

16 § 7711.2. Limited registration of snowmobile [or], ATV or OHM.

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

21 \* \* \*

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

25 \* \* \*

26 (b) Issuance.--Upon receipt of an application therefor upon  
27 a form prescribed and furnished by the department which shall  
28 contain information reasonably required by the department, the  
29 department shall issue to the owner of a snowmobile [or] ATV, or  
30 OHM for which limited registration is required under subsection

1 (a):

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

4 (2) A registration decal displaying the registration  
5 number for a snowmobile or a registration plate displaying  
6 the registration number for an ATV or OHM.

7 \* \* \*

8 (d) Transfer of ownership.--Upon transfer of ownership of a  
9 snowmobile [or], ATV or OHM for which a limited registration  
10 certificate has been issued, the limited registration  
11 certificate shall become invalid. The transferor shall, within  
12 15 days from the date of transfer, return to the department the  
13 limited registration certificate with the date of transfer and  
14 the name and address of the new owner endorsed on the back. The  
15 registration decal or plate shall not be removed from the  
16 snowmobile [or] ATV, or OHM upon transfer to the new owner and  
17 is invalid until the new owner obtains a registration  
18 certificate or limited registration certificate for the  
19 snowmobile [or], ATV or OHM.

20 \* \* \*

21 § 7712.1. Certificate of title for snowmobile or ATV.

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

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

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

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

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

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

9 (5) A snowmobile [or], ATV or OHM owned by a resident of  
10 this Commonwealth and required by law to be registered in  
11 another state, based and used principally outside of this  
12 Commonwealth and not required by law to be registered in this  
13 Commonwealth.

14 (6) An OHM titled by the department.

15 (c) Contents of application.--Application for a certificate  
16 of title shall be made upon a form prescribed and furnished by  
17 the department and shall contain a full description of the  
18 snowmobile [or], ATV or OHM, date of purchase, the name and  
19 address of the owner, a statement of the title of applicant,  
20 together with any other information or documents the department  
21 requires to identify the snowmobile [or], ATV or OHM and to  
22 enable the department to determine whether the owner is entitled  
23 to a certificate of title.

24 (d) Signing and filing of application.--Application for a  
25 certificate of title shall be made within 15 days of the sale or  
26 transfer of a snowmobile [or], ATV or OHM or its entry into this  
27 Commonwealth from another jurisdiction, whichever is later. The  
28 application shall be accompanied by the required fee and any tax  
29 payable by the applicant under the laws of this Commonwealth in  
30 connection with the acquisition or use of a snowmobile [or], ATV

1 or OHM or evidence to show that the tax has been paid or  
2 collected. The application shall be signed and verified by oath  
3 or affirmation by the applicant if a natural person; in the case  
4 of an association or partnership, by a member or a partner; and  
5 in the case of a corporation, by an executive officer or person  
6 specifically authorized by the corporation to sign the  
7 application.

8 \* \* \*

9 (g) Registration without certificate of title prohibited.--  
10 Except as provided in subsection (b), the department shall not  
11 issue a registration certificate or limited registration  
12 certificate for a snowmobile [or], ATV or OHM or a vintage  
13 snowmobile permit for a vintage snowmobile unless a certificate  
14 of title has been issued by the department to the owner or an  
15 application for a certificate of title has been delivered by the  
16 owner to the department.

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

20 \* \* \*

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

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

27 \* \* \*

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

29 (1) Upon the sale or transfer of ownership of a  
30 snowmobile [or], ATV or OHM within this Commonwealth, the

1 owner shall execute an assignment and warranty of title to  
2 the transferee in the space provided on the certificate of  
3 title or as the department prescribes, sworn to before a  
4 notary public or other officer empowered to administer oaths,  
5 and deliver the certificate to the transferee at the time of  
6 the delivery of the snowmobile [or] ATV or OHM.

7 (2) Except as otherwise provided in section 7715.1  
8 (relating to snowmobile [or] ATV or OHM purchased from  
9 dealer), the transferee shall, within 15 days of the  
10 assignment of the certificate of title, apply for a new title  
11 by forwarding to the department the certificate of title  
12 executed as required by paragraph (1), a properly completed  
13 application for certificate of title, sworn to before a  
14 notary public or other officer empowered to administer oaths,  
15 and such other forms as the department may require.

16 \* \* \*

17 § 7712.2. Transfer to or from dealer.

18 (a) Transfer to dealer.--If a dealer acquires a snowmobile  
19 [or] ATV or OHM for the purpose of resale, a certificate of  
20 title need not be applied for as provided for in section 7712.1  
21 (relating to certificate of title for snowmobile [or] ATV or  
22 OHM), but the dealer shall, within seven days from the date of  
23 acquisition, forward to the department, upon a form prescribed  
24 and furnished by the department, notification of the acquisition  
25 of the snowmobile [or] ATV or OHM.

26 (b) Execution and display of notice of transfer.--A dealer  
27 making notification pursuant to subsection (a) shall execute at  
28 least three copies of the notification, the original of which  
29 shall be forwarded to the department, one copy to accompany the  
30 snowmobile [or] ATV or OHM in any subsequent transfer and one

1 copy to be retained by the dealer for at least one year after a  
2 subsequent transfer, to be exhibited, with the assigned  
3 certificate of title, upon request of a police officer or  
4 authorized department employee.

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

8 \* \* \*

9 (d) Exception for repossessed snowmobiles [or], ATV's or  
10 OHM'S.--This section does not apply to a snowmobile [or], ATV or  
11 OHM repossessed upon default of performance of a lease, contract  
12 of conditional sale or similar agreement.

13 \* \* \*

14 § 7712.3. Transfer of snowmobile [or], ATV or by operation of  
15 law.

16 (a) General rule.--If the interest of an owner in a  
17 snowmobile [or], ATV or OHM passes to another other than by  
18 voluntary transfer, the transferee shall, except as otherwise  
19 provided, promptly mail or deliver to the department the last  
20 certificate of title, if available, and shall apply for a new  
21 certificate of title on a form prescribed and furnished by the  
22 department. The application shall be accompanied by such  
23 instruments or documents of authority, or certified copies  
24 thereof, as may be sufficient or required by law to evidence or  
25 effect a transfer of title or interest in or to chattels in such  
26 case.

27 \* \* \*

28 (c) Surrender of certificate.--A person holding a  
29 certificate of title, whose interest in a snowmobile [or], ATV  
30 or OHM has been extinguished or transferred other than by

1 voluntary transfer, shall immediately surrender the certificate  
2 of title to the person to whom the right to possession of the  
3 snowmobile [or], ATV or OHM has passed. Upon request of the  
4 department, such person shall mail or deliver the certificate to  
5 the department. Delivery of the certificate pursuant to the  
6 request of the department does not affect the rights of the  
7 person surrendering the certificate.

8 § 7712.5. Issuance of new certificate following transfer.

9 \* \* \*

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

14 § 7712.6. Suspension and cancellation of certificate of title.

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

20 (b) Snowmobile [or], ATV or OHM sold to nonresidents.--The  
21 department may cancel a certificate of title for a snowmobile  
22 [or], ATV or OHM sold to a resident of another state or foreign  
23 country if the snowmobile or ATV is to be registered in the  
24 other jurisdiction.

25 \* \* \*

26 § 7712.7. Application for certificate of title by agent.

27 (a) Authorization to apply.--No person may apply for a  
28 certificate of title on behalf of another person unless  
29 authorization to do so is in effect and is verified by oath or  
30 affirmation of the other person, made, except as between lessors

1 and fleet owners as lessees, not more than 15 days before the  
2 application is received by the department. A lessor may  
3 authorize a fleet owner to apply for a certificate of title for  
4 a leased snowmobile [or], ATV or OHM for a period of up to one  
5 year.

6 \* \* \*

7 (c) Persons authorized to hold certificate.--No person may  
8 receive, obtain or hold a certificate of title recorded in the  
9 name of another person for the other person who is not in the  
10 regular employ of, or not a member of the family of, the other  
11 person, unless the person receiving, obtaining or holding the  
12 certificate of title has a valid undischarged security interest  
13 recorded in the department against the snowmobile [or], ATV or  
14 OHM represented by the certificate of title.

15 \* \* \*

16 § 7712.8. Perfection of security interest in a snowmobile [or],  
17 ATV or OHM.

18 (a) Applicability of section.--Except as otherwise provided  
19 in 13 Pa.C.S. §§ 9311(d) (relating to perfection of security  
20 interests in property subject to certain statutes, regulations  
21 and treaties), 9315(c) and (d) (relating to secured party's  
22 rights on disposition of collateral and in proceeds) and 9316(d)  
23 and (e) (relating to effect of change in governing law), this  
24 section provides the exclusive method of perfecting a security  
25 interest in a snowmobile [or], ATV or OHM for which a  
26 certificate of title is required under this subchapter.

27 (b) Snowmobiles [or], ATV's or OHM without Pennsylvania  
28 certificate of title.--If an owner creates a security interest  
29 in a snowmobile or ATV for which a certificate of title has not  
30 been issued by the department, the owner shall, at the request

1 of the secured party, promptly execute an application for a  
2 certificate of title on a form prescribed by the department  
3 showing the name and address of the secured party. The owner  
4 shall tender the application, the existing certificate of title,  
5 if any, and the required fee to the department. A security  
6 interest in a snowmobile [or], ATV or OHM is perfected at the  
7 time that such application, existing certificate of title, if  
8 any, and required fee are received by the department.

9 (c) Snowmobiles [or], ATV's or OHM's with Pennsylvania  
10 certificate of title.--If an owner creates a security interest  
11 in a snowmobile [or], ATV or OHM for which a certificate of  
12 title has been issued by the department, the owner shall, at the  
13 request of the secured party, promptly execute an application on  
14 a form prescribed by the department showing the name and address  
15 of the secured party. The owner shall tender the certificate of  
16 title, together with the application and the required fee, to  
17 the department. A security interest in a snowmobile [or], ATV or  
18 OHM is perfected at the time such application, certificate of  
19 title and required fee are received by the department.

20 \* \* \*

21 § 7712.9. Satisfaction of security interest.

22 (a) Satisfaction of secured obligation.--Unless otherwise  
23 agreed by the owner, within 15 days of the satisfaction of the  
24 obligation secured by a security interest in a snowmobile [or],  
25 ATV or OHM, the secured party shall mail or deliver the  
26 certificate of title to the owner or to the department with a  
27 statement of satisfaction signed by the secured party. Upon  
28 receipt of the certificate of title and statement of  
29 satisfaction, the department shall issue a corrected certificate  
30 of title without an indorsement of such secured party's security

1 interest and mail the same to the holder of the first remaining  
2 security interest or, if there is no remaining security  
3 interest, the owner.

4 (b) Satisfaction of subordinate secured obligation.--If the  
5 certificate of title for a snowmobile [or], ATV or OHM is in the  
6 possession of a prior secured party, the subordinate secured  
7 party whose obligation is satisfied shall mail or deliver to the  
8 owner a signed statement of satisfaction in accordance with  
9 subsection (a). Upon request of the owner and receipt of the  
10 statement of satisfaction, the secured party in possession of  
11 the certificate of title shall mail or deliver the certificate  
12 of title, together with the statement of satisfaction, to the  
13 department. Upon receipt of the certificate of title and  
14 evidence of satisfaction, the department shall issue a corrected  
15 certificate of title without an indorsement of the satisfied  
16 security interest and mail the same to the prior secured party.

17 \* \* \*

18 § 7712.10. Release of security interest.

19 A secured party that releases a security interest in a  
20 snowmobile [or], ATV or OHM shall mail or deliver the  
21 certificate of title to the owner with a statement of release  
22 signed by the secured party, or the secured party may apply to  
23 the department for a corrected certificate of title to be issued  
24 in the name of the owner. Upon receipt of the certificate of  
25 title and statement of release, the department shall issue a  
26 corrected certificate of title without an indorsement of such  
27 secured party and mail the same to the holder of the first  
28 remaining security interest or, if there is no remaining secured  
29 party, the owner.

30 § 7712.12. Assignment by secured party of security interest.

1 (a) General rule.--A secured party may assign, absolutely or  
2 otherwise, his security interest in a snowmobile [or], ATV or  
3 OHM to a person other than the owner without affecting the  
4 interest of the owner or the validity or perfection of the  
5 security interest.

6 \* \* \*

7 § 7712.13. Exemptions.

8 The provisions of this subchapter relating to procedures for  
9 perfecting, assigning and satisfying security interests do not  
10 apply to:

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

13 (2) a lien given by statute to the United States, the  
14 Commonwealth or any political subdivision of the  
15 Commonwealth;

16 (3) a security interest in a snowmobile or ATV described  
17 in 13 Pa.C.S. § 9311(d) (relating to perfection of security  
18 interests in property subject to certain statutes,  
19 regulations and treaties); or

20 (4) a snowmobile [or], ATV or OHM for which a  
21 certificate of title is not required under this subchapter.

22 § 7715.1. Snowmobile [or], ATV or OHM purchased from dealer.

23 (a) General rule.--If a snowmobile [or], ATV or OHM is  
24 purchased from a dealer, the dealer shall mail or deliver to the  
25 department an application for a registration certificate or  
26 limited registration certificate, an application for certificate  
27 of title, any other required forms and the required fees within  
28 15 days of the date of purchase.

29 \* \* \*

30 § 7715.2. Fees.

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

3 \* \* \*

4 (5) Transfer of registration pursuant to section 7711.1  
5 (relating to registration of snowmobile [or] ATV or OHM),  
6 \$5.

7 \* \* \*

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

10 \* \* \*

11 § 7716. Records.

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

14 (1) The registration number for each snowmobile [and],  
15 ATV and OHM for which a registration certificate or limited  
16 registration certificate is issued.

17 (2) The name and address of the owner of each snowmobile  
18 [and] ATV and OHM for which a registration certificate or  
19 limited registration certificate is issued.

20 \* \* \*

21 § 7717. Snowmobile [and] ATV and OHM Advisory Committee.

22 (a) Establishment.--There is hereby established under the  
23 jurisdiction of the department a board known as the Snowmobile  
24 [and] ATV and Advisory Committee.

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

27 (1) The chairman and minority chairman of the  
28 Environmental Resources and Energy Committee of the Senate.

29 (2) The chairman and minority chairman of the  
30 Environmental Resources and Energy Committee of the House of

1 Representatives.

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

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

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

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

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

12 (7.1) One member representing the Department of  
13 Community and Economic Development.

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

17 (i) Two members from a list of at least six  
18 representatives submitted by the Pennsylvania State  
19 Snowmobile Association.

20 (ii) Two members from a list of at least six  
21 representatives submitted by the Pennsylvania Off-Highway  
22 Vehicle Association.

23 (iii) One member from a list of at least three  
24 representatives submitted by the Pennsylvania Farm  
25 Bureau.

26 [(iv) Two members from a list of at least six  
27 representatives submitted by conservation or nonmotorized  
28 recreation organizations.]

29 (v) One member from a list of at least three  
30 representatives submitted by the Pennsylvania [Travel

1 Council] Association of Travel and Tourism.

2 (vi) One member from a list of at least three  
3 representatives submitted by the Pennsylvania Economic  
4 Development Association.

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

7 \* \* \*

8 (e) Meetings and expenses.--

9 (1) The committee shall meet at least [annually]  
10 semiannually.

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

16 \* \* \*

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

26 § 7721. Operation on streets and highways.

27 (a) General rule.--Except as otherwise provided in this  
28 chapter, it is unlawful to operate a snowmobile or an ATV or  
29 OHM on any street or highway which is not designated and posted  
30 as a snowmobile or an ATV or OHM road by the governmental agency

1 having jurisdiction.

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

4 \* \* \*

5 (c) Crossing street or highway.--A snowmobile or an ATV may  
6 make a direct crossing of a street or highway upon compliance  
7 with the following requirements:

8 \* \* \*

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

12 \* \* \*

13 § 7722. Designation of snowmobile [and], ATV and OHM roads.

14

15 (a) General rule.--The Department of Transportation on  
16 State-designated highways and local authorities on any highway,  
17 road or street within its jurisdiction may designate any  
18 highway, road or street within its jurisdiction as a snowmobile  
19 road, an ATV road[, or both,] or OHM road and may, in its  
20 discretion, determine whether such road shall be closed to  
21 vehicular traffic or whether snowmobiles [and], ATV's and OHM's  
22 may share this designated road with vehicular traffic.

23 \* \* \*

24 (c) Liability.--There shall be no liability imposed on the  
25 Department of Transportation or any other State agency or any  
26 political subdivision of this Commonwealth as a result of  
27 designating any highway, road or street as a snowmobile road  
28 [or], an ATV or OHM road as provided in subsection (a). There  
29 shall be no liability imposed upon a private or public real  
30 property owner who makes any portion of the owner's land

1 available for snowmobiles, ATV's or OHM's required to be  
2 registered under this chapter. A court shall award attorney fees  
3 and direct legal costs to a real property owner, lessee, manager  
4 or occupant, or an easement holder, who is not liable for an  
5 injury to a person or property due to the use of a snowmobile,  
6 ATV or OHM.

7 § 7723. Special snowmobile and ATV events.

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

13 (b) Authority of local authorities.--A local authority may  
14 block off highways and streets within its jurisdiction for the  
15 purpose of allowing snowmobile [and], ATV and OHM races, rallies  
16 or derbies. No State trunk highway or connecting street, or part  
17 thereof, shall be blocked off by any local authority for any  
18 snowmobile [or], ATV and OHM race, rally or derby.

19 (c) Notification and duty of police.--A local authority  
20 shall notify the local police department and the county  
21 sheriff's office at least one week in advance of the time and  
22 place of any snowmobile [or], ATV and OHM race, rally or derby  
23 which may result in any highway or street, or part thereof,  
24 being blocked off. Upon such notice, the local police department  
25 shall take such measures as it deems appropriate to protect  
26 persons and property and to regulate traffic in the designated  
27 area and its vicinity on the day of such race, rally or derby.

28 § 7724. Operation on private or State property.

29 (a) Private real property.--

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

1 OHM on private real property without the consent of the owner  
2 thereof. Any person operating a snowmobile [or], an ATV or  
3 OHM upon lands of another shall stop and identify himself  
4 upon the request of the landowner or his duly authorized  
5 representatives and, if requested to do so by the landowner,  
6 shall promptly remove the snowmobile [or], ATV or OHM from  
7 the premises.

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

13 (b) State property.--

14 (1) No person shall operate a snowmobile [or], an ATV or  
15 OHM on State-owned property except on clearly marked and  
16 previously designated snowmobile or ATV routes or as  
17 expressly permitted by the Commonwealth.

18 (2) (i) The department may designate any road within a  
19 State Park or State Forest over which the department has  
20 jurisdiction as a snowmobile road [or], an ATV road[,] or  
21 OHM road [both], and may, in its discretion, determine  
22 whether the road shall be closed to vehicular traffic or  
23 whether snowmobiles [and], ATV's and OHM's may share the  
24 designated road with vehicular traffic. Adequate notices  
25 of such designation and determination shall be  
26 sufficiently and prominently displayed.

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

30 \* \* \*

1 (B) A person may operate a Class I or Class II  
2 ATV or OHM on a road, trail or area that is  
3 designated and marked by the department as open for  
4 ATV or OHM use or on which the person has been given  
5 specific written permission to operate the ATV or  
6 OHM.

7 [(C) A person may operate a Class II ATV on a  
8 road, trail or area if the person has been given  
9 specific written permission by the department to  
10 operate a Class II ATV on the road, trail or area.]

11 Section 5. Section 7725(a), (d), (e), (f), (g) and (i) of  
12 Title 75 are amended and the section is amended by adding  
13 subsections to read:

14 § 7725. Operation by persons under age sixteen.

15 (a) Crossing street or highway.--No person under 16 years of  
16 age shall drive a snowmobile [or], an ATV or OHM across any  
17 highway or connecting street thereto unless he is under the  
18 direct supervision of a person 18 years of age or older and  
19 unless he holds a valid and appropriate safety certificate from  
20 the Commonwealth or a valid and approved certificate issued  
21 under the authority of another state or Province of Canada. [The  
22 department shall determine what certificates will be approved].

23 \* \* \*

24 (c.1) OHM safety certification.--No person under 16 years of  
25 age shall operate an OHM in this Commonwealth unless the person  
26 satisfies one of the following conditions:

27 (1) Is under the direct supervision of a certified  
28 Motorcycle Safety Foundation Dirt Bike School Coach during a  
29 safety training course.

30 (2) Is on land owned or leased by a parent or legal

1 guardian.

2 (3) Has received safety training as prescribed by a  
3 Motorcycle Safety Foundation Dirt Bike School and has  
4 received the appropriate safety certificate.

5 [(d) Failure to exhibit certificate.--The failure of such a  
6 youthful operator to exhibit the appropriate safety certificate,  
7 upon demand, to any law enforcement officer having authority to  
8 enforce the provisions of this section shall be presumptive  
9 evidence that such person is not the holder of such  
10 certificate.]

11 (d.1) Presentation of certificate.--Within 72 hours of  
12 receiving notice of a violation of this section, a youthful  
13 operator shall present the appropriate safety certificate to any  
14 law enforcement officer having authority to enforce the  
15 provisions of this section. It shall be an affirmative defense  
16 to a prosecution for a violation of this section if the youth  
17 operator complies with this subsection.

18 (e) Permitting unauthorized operation.--No owner of a  
19 snowmobile [or], an ATV or OHM shall authorize or permit the  
20 operation thereof within this Commonwealth by any person under  
21 16 years of age unless the person under 16 years of age is the  
22 holder of a valid and appropriate safety certificate, or except  
23 as authorized in subsections (b), (b.2) [and], (c) and (c.1).

24 (f) Certification of [snowmobile] safety instructors.--The  
25 department may certify snowmobile or ATV safety instructors to  
26 act as its agents in conducting classes and examinations and  
27 issuing snowmobile or ATV safety certificates in its name. The  
28 department shall recognize coaches certified by the Motorcycle  
29 Safety Foundation as certified under this subsection.

30 (g) Operation on snowmobile and ATV roads.--No person under

1 16 years of age may operate a snowmobile [or], an ATV or OHM on  
2 streets or highways designated under section 7722 (relating to  
3 designation of snowmobile [and], ATV and OHM roads) as open to  
4 snowmobile [or], ATV or OHM and vehicular traffic. A person  
5 under 16 years of age who holds the appropriate safety  
6 certificate may operate a snowmobile [or], an ATV or OHM on  
7 roads designated under section 7724(b) (relating to operation on  
8 private or State property) as open to snowmobile [or], ATV or  
9 OHM and vehicular traffic, provided he is under the direct  
10 supervision of a person 18 years of age or older.

11 \* \* \*

12 (h.1) Exemption from liability.--

13 (1) A public or private owner of real property who  
14 authorizes the use of the owner's real property for the  
15 purpose of an approved snowmobile, ATV or OHM information,  
16 safety education and training program under subsection (c.1)  
17 or (h) shall not be held civilly liable for any injury or  
18 death to a person or damage to property that occurs during  
19 the course or instruction or training.

20 (2) Paragraph (1) shall not apply in the case of an  
21 owner's willful or malicious failure to warn against a  
22 dangerous condition, use, structure or activity.

23 (i) Cooperation with other organizations.--In implementing a  
24 program which is established under this section, the department  
25 shall cooperate with private organizations and associations,  
26 private and public corporations, the Department of Education and  
27 local governmental units. The department shall consult with  
28 snowmobile, ATV, OHM and environmental organizations and  
29 associations in regard to subject matter of a training program  
30 that leads to certification of snowmobile [and], ATV and OHM

1 operators.

2 Section 6. Sections 7726(a) introductory paragraph, (b), (c)  
3 heading, introductory paragraph, (2) and (5), 7727, 7728,  
4 7729(a) and 7730(a), (b) and (c) of Title 75 are amended to  
5 read:

6 § 7726. Operation in safe manner.

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

9 \* \* \*

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

16 (c) Operation on highways and streets open to snowmobiles  
17 [or], ATV's or OHM's and vehicular traffic.--No person shall  
18 operate a snowmobile [or], ATV or OHM in any of the following  
19 ways on highways and streets open to snowmobiles [or] ATV's or  
20 OHM's and vehicular traffic:

21 \* \* \*

22 (2) Ride two snowmobiles [or], ATV's or OHM's abreast.  
23 Snowmobiles [and], ATV's and OHM's shall be operated in  
24 single file except when overtaking another vehicle. The  
25 driver of any vehicle overtaking another vehicle proceeding  
26 in the same direction shall pass at a safe distance to the  
27 left thereof, until safely clear of such overtaken vehicle.  
28 Nothing in this section shall be construed to prohibit a  
29 driver overtaking the passing upon the right of another  
30 vehicle which is making or about to make a left turn. The

1 driver of a vehicle shall not drive to the left side of the  
2 center of a highway in overtaking or passing another vehicle  
3 proceeding in the same direction, unless the left side is  
4 clearly visible and is free of oncoming traffic for a  
5 sufficient distance ahead to permit the overtaking or passing  
6 to be made in safety.

7 \* \* \*

8 (5) Without a securely fastened helmet on the head of an  
9 individual who operates or is a passenger on a snowmobile  
10 [or] ATV or OHM or who is being towed or otherwise propelled  
11 by a snowmobile. The department shall specify the types of  
12 helmets allowed through rules and regulations.

13 § 7727. Additional limitations on operation.

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

16 (1) Operate or ride in any snowmobile [or] ATV or OHM  
17 with any bow and arrows or with any firearm in his possession  
18 unless it is unstrung or unloaded.

19 (2) Drive or pursue any game or wildlife with a  
20 snowmobile [or] an ATV or OHM.

21 § 7728. Accidents and accident reports.

22 (a) Duty to stop and provide information.--Whenever any  
23 snowmobile [or] ATV or OHM is involved in an accident resulting  
24 in loss of life, personal injury or damage to property and the  
25 operator thereof has knowledge of such accident, he shall stop  
26 and give his name and address, the name and address of the owner  
27 thereof and the registration number of the snowmobile [or] ATV  
28 or OHM to the injured person or the person sustaining the damage  
29 or to a police officer. In case no police officer nor the person  
30 sustaining the damage is present at the place where the damage

1 occurred, then the operator shall immediately report, as soon as  
2 he is physically able, the accident to the nearest law  
3 enforcement agency.

4 (b) Report of accident to department.--The operator of any  
5 snowmobile [or], ATV or OHM involved in any accident resulting  
6 in injuries to or death of any person or resulting in property  
7 damage to the estimated amount of \$100 or more shall, within  
8 seven days after such accident, report the matter in writing to  
9 the department. If the operator is physically incapable of  
10 making the report and there is another participant in the  
11 accident not so incapacitated, the participant shall make the  
12 report within the prescribed period of time after the accident.  
13 In the event that there is no other participant and the operator  
14 is other than the owner, then the owner shall within the  
15 prescribed period of time, after learning of the facts of such  
16 accident, report the matter to the department, together with  
17 such information as may have come to his knowledge relating to  
18 such accident. Every operator or owner of a snowmobile [or], an  
19 ATV or OHM in an accident, or surviving participant of any such  
20 accident, shall make such other and additional reports as the  
21 department shall require.

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

29 (d) Exception.--This section does not apply when property  
30 damage is sustained in sanctioned snowmobile [or], ATV or OHM

1 races, derbies and rallies.

2 § 7729. Liability of owner for negligence.

3 (a) General rule.--Negligence in the use or operation of a  
4 snowmobile [or], an ATV or OHM is attributable to the owner.

5 Every owner of a snowmobile [or], an ATV or OHM used or operated  
6 in this Commonwealth shall be liable and responsible for death  
7 or injury to person or damage to property resulting from  
8 negligence in the use or operation of such snowmobile [or], ATV  
9 or OHM by any person using or operating the snowmobile [or], ATV  
10 or OHM with the permission, express or implied, of such owner.

11 \* \* \*

12 § 7730. Liability insurance.

13 (a) Requirement.--A snowmobile [or], ATV or OHM for which  
14 registration is required under this chapter shall have liability  
15 insurance coverage for the snowmobile [or], ATV or OHM issued by  
16 an insurance carrier authorized to do business in this  
17 Commonwealth. This subsection does not apply to limited  
18 registrations.

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

30 (c) Owner's responsibility.--No owner of a snowmobile [or], an

1 ATV or OHM shall operate or permit the same to be operated  
2 without having in full force and effect liability insurance  
3 coverage required by this section. The operator of a snowmobile  
4 [or], ATV or OHM shall carry proof of insurance on his person or  
5 on the snowmobile [or], ATV or OHM when it is in operation.

6 \* \* \*

7 Section 7. Section 7741(a) and (b) of Title 75 are amended  
8 and the section is amended by adding a subsection to read:

9 § 7741. Head lamps and tail lamps.

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

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

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

28 (2) If the snowmobile [or], ATV or OHM is equipped with  
29 a single beam head lamp, the lamp shall be so aimed that when  
30 the vehicle is loaded none of the high intensity portion of

1 the light, at a distance of 75 feet ahead, projects higher  
2 than the level of the center of the lamp from which it comes.

3 \* \* \*

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

7 Section 8. Sections 7742(b), 7743(a) and (b), 7751(b) and  
8 (d) and 7752(d) (1)

9 § 7742. Brakes.

10 \* \* \*

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

17 § 7743. Mufflers and [noise] sound control.

18 (a) General rule.--It is unlawful to operate a snowmobile  
19 [or], an ATV or OHM which is not equipped at all times with a  
20 muffler in good working order which blends the exhaust [noise]  
21 sound into the overall snowmobile [or], ATV or OHM [noise] sound  
22 and is in constant operation to prevent excessive or unusual  
23 [noise] sound. The exhaust system shall not emit or produce a  
24 sharp popping or crackling sound. The sound intensity produced  
25 by a snowmobile shall not exceed 82dbA when measured in  
26 accordance with SAE Recommended Practice J 192 Exterior Sound  
27 Level for Snowmobiles, as amended. The department may by  
28 regulation adopt more stringent [noise] sound requirements for  
29 snowmobiles. The department shall by regulation adopt [noise]  
30 sound requirements for in-use operation of ATV's and OHM's using

1 measurement procedures in accordance with ANSI/SAE Recommended  
2 Practice J 1287 [March 1982] July 1998, Measurement of Exhaust  
3 Level of Stationary Motorcycles. The sound level intensity  
4 produced by an ATV or OHM manufactured before January 1, 1998  
5 shall not exceed 99dba, or decibels, when measured at 20 inches.  
6 The sound level intensity produced by an ATV or OHM manufactured  
7 on or after January 1, 1998 shall not exceed 96dba, or decibels,  
8 when measured as 20 inches.

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

13 \* \* \*

14 § 7751. Enforcement personnel and procedures.

15 \* \* \*

16 (b) Forms and procedures.--The department may prescribe the  
17 form of summons or complaint, or both, in all cases involving a  
18 violation of any provision of this chapter or of any ordinance,  
19 rule or regulation relating to snowmobiles [or], ATV's or OHM's,  
20 or of any class or category of such cases, and may establish  
21 procedures for proper administrative controls over the  
22 disposition thereof.

23 \* \* \*

24 (d) Rules and regulations.--The department [may] shall  
25 promulgate such rules and regulations [as may be deemed  
26 necessary] to accomplish the purposes and enforce the provisions  
27 of this section including requirements for reporting by trial  
28 courts having jurisdiction over snowmobile [and], ATV and OHM  
29 violations.

30 § 7752. Penalties for violation of chapter.

1 \* \* \*

2 (d) Registration.--

3 (1) A person who violates section 7711.1 (relating to  
4 registration of snowmobile [or], ATV or OHM) or 7711.2  
5 (relating to limited registration of snowmobile [or], ATV or  
6 OHM) by failing to obtain the required registration  
7 certificate or limited registration certificate commits a  
8 summary offense and shall, upon conviction, be sentenced to  
9 pay a fine of \$300 or to be imprisoned for 90 days, or both,  
10 and costs of prosecution. Proceedings for a summary offense  
11 under this paragraph must be commenced within 60 days after  
12 commission of the alleged offense or within 60 days after  
13 discovery of the commission of the offense or the identity of  
14 the offender, whichever is later.

15 \* \* \*

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

17 (1) The following shall take effect immediately:

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

19 (ii) This section.

20 (2) The remainder of this act shall take effect in 60  
21 days.