

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1706 Session of 2019

INTRODUCED BY GABLER, HAHN, BERNSTINE, HELM, MASSER, MILLARD,
MOUL, OWLETT AND ZIMMERMAN, JULY 8, 2019

REFERRED TO COMMITTEE ON TRANSPORTATION, JULY 8, 2019

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

12 * * *

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

16 § 7706. Restricted accounts.

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

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

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

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

29 (iii) all fines, penalties, fees and costs assessed
30 and collected as a result of enforcement activities

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

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

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

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

28 * * *

29 (b) Grant-in-aid.--The department shall, upon written
30 application and subsequent approval, grant money from the

1 restricted accounts:

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

6 (i) Plans, specifications and engineering surveys.

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

9 (iii) Land acquisition.

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

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

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

19 * * *

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

27 * * *

28 (e) Definition.--For purposes of this section, "all-terrain
29 vehicle" or "ATV" shall also include any self-propelled vehicle
30 which is manufactured for sale or operation primarily on off-

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

8 § 7711. Registration of dealers.

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

15 * * *

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

19 * * *

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

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

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

30 § 7711.1. Registration of snowmobile [or], ATV or OHM.

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

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

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

11 * * *

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

15 * * *

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

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

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

27 * * *

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

30 (d) Expiration of registration.--

1 * * *

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

19 * * *

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

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

29 (2) The snowmobile [or], ATV or OHM is owned and used by
30 the United States or another state or a political subdivision

1 thereof, in which case the snowmobile [or], ATV or OHM shall
2 display the name of the owner in a manner prescribed by the
3 department.

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

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

17 * * *

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

25 § 7711.2. Limited registration of snowmobile [or], ATV or OHM.

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

30 * * *

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

4 * * *

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

10 (a):

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

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

16 * * *

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

29 * * *

30 § 7712.1. Certificate of title for snowmobile [or], ATV or OHM.

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

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

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

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

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

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

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

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

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

1 requires to identify the snowmobile [or], ATV or OHM and to
2 enable the department to determine whether the owner is entitled
3 to a certificate of title.

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

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

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

29 * * *

30 (2) Any taxes payable under the laws of this

1 Commonwealth on or in connection with, or resulting from the
2 acquisition or use of, the snowmobile [or], ATV or OHM have
3 not been paid.

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

6 * * *

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

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

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

25 * * *

26 § 7712.2. Transfer to or from dealer.

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

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

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

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

17 * * *

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

22 * * *

23 § 7712.3. Transfer of snowmobile [or], ATV or OHM by operation
24 of law.

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

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

6 * * *

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

17 § 7712.5. Issuance of new certificate following transfer.

18 * * *

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

23 § 7712.6. Suspension and cancellation of certificate of title.

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

29 (b) Snowmobile [or],ATV or OHM sold to nonresidents.--The
30 department may cancel a certificate of title for a snowmobile

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

4 * * *

5 § 7712.7. Application for certificate of title by agent.

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

15 * * *

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

24 * * *

25 § 7712.8. Perfection of security interest in a snowmobile [or],
26 ATV or OHM.

27 (a) Applicability of section.--Except as otherwise provided
28 in 13 Pa.C.S. §§ 9311(d) (relating to perfection of security
29 interests in property subject to certain statutes, regulations
30 and treaties), 9315(c) and (d) (relating to secured party's

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

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

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

30 * * *

1 § 7712.9. Satisfaction of security interest.

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

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

27 * * *

28 § 7712.10. Release of security interest.

29 A secured party that releases a security interest in a
30 snowmobile [or], ATV or OHM shall mail or deliver the

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

10 § 7712.12. Assignment by secured party of security interest.

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

16 * * *

17 § 7712.13. Exemptions.

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

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

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

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

30 (4) a snowmobile [or], ATV or OHM for which a

1 certificate of title is not required under this subchapter.

2 Section 7. Section 7715.1 heading and (a) of Title 75 are
3 amended and the section is amended by adding a subsection to
4 read:

5 § 7715.1. Snowmobile [or], ATV or OHM purchased from dealer.

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

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

18 * * *

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

23 § 7715.2. Fees.

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

26 * * *

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

30 * * *

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

3 * * *

4 § 7716. Records.

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

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

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

13 * * *

14 § 7717. Snowmobile [and], ATV and OHM Advisory Committee.

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

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

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

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

28 * * *

29 (f) Powers and duties.--The powers and duties of the
30 committee shall be to advise the Secretary of Conservation and

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

8 § 7721. Operation on streets and highways.

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

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

16 * * *

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

20 * * *

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

24 * * *

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

28 § 7722. Designation of snowmobile [and], ATV and OHM roads.

29 (a) General rule.--The Department of Transportation on
30 State-designated highways and local authorities on any highway,

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

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

13 * * *

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

22 § 7723. Special snowmobile [and], ATV and OHM events.

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

28 (b) Authority of local authorities.--A local authority may
29 block off highways and streets within its jurisdiction for the
30 purpose of allowing snowmobile [and], ATV and OHM races, rallies

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

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

13 § 7724. Operation on private or State property.

14 (a) Private real property.--

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

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

28 (b) State property.--

29 (1) No person shall operate a snowmobile [or], an ATV or
30 an OHM on State-owned property except on clearly marked and

1 previously designated snowmobile or ATV routes or as
2 expressly permitted by the Commonwealth.

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

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

15 * * *

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

21 * * *

22 Section 11. Section 7725(a), (b.1), (e), (f), (g), (h) and
23 (i) of Title 75, amended October 24, 2018 (P.L.725, No.115), are
24 amended and the section is amended by adding a subsection to
25 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 (b.1) ATV size restrictions.--No person shall operate an ATV
7 bearing a certification label conforming to ANSI/SVIA 1 - 2010,
8 or later published version, in violation of the age
9 recommendation warning label affixed by the manufacturer. An ATV
10 not bearing a certification label conforming to ANSI/SVIA 1 -
11 2010, or later published version, operated in this Commonwealth
12 by a person eight or nine years of age shall have an engine size
13 of 70cc or less.

14 * * *

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

21 (f) Certification of [snowmobile] safety instructors.--The
22 department may certify [snowmobile or ATV] safety instructors to
23 act as its agents in conducting classes and examinations and
24 issuing [snowmobile or ATV] safety certificates in its name.

25 (g) Operation on snowmobile [and], ATV and OHM roads.--No
26 person under 16 years of age may operate a snowmobile [], an
27 ATV or an OHM on streets or highways designated under section
28 7722 (relating to designation of snowmobile [and], ATV and OHM
29 roads) as open to snowmobile [], ATV or OHM and vehicular
30 traffic. A person under 16 years of age who holds the

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

7 (h) Snowmobile [and], ATV and OHM safety program.--The
8 department shall implement a comprehensive snowmobile [and], ATV
9 and OHM information, safety education and training program which
10 shall include the preparation and dissemination of information
11 and safety advice to the public and training of operators. The
12 program shall provide for the training of youthful operators and
13 others who wish to receive training. It shall also provide for
14 the issuance of snowmobile [or], ATV or OHM safety certificates
15 to those who successfully complete the training provided under
16 the program.

17 (h.1) Exemption from liability.--A public or private owner
18 of real property who authorizes the use of the owner's real
19 property for the purpose of a snowmobile, ATV or OHM safety
20 education and training program shall not be held civilly liable
21 for any injury or death to a person or damage to property that
22 may occur during the course or instruction or training except
23 for willful or malicious failure to warn against a dangerous
24 condition, use, structure or activity.

25 (i) Cooperation with other organizations.--In implementing a
26 program which is established under this section, the department
27 shall cooperate with private organizations and associations,
28 private and public corporations, the Department of Education and
29 local governmental units. The department shall consult with
30 snowmobile, ATV, OHM and environmental organizations and

1 associations in regard to subject matter of a training program
2 that leads to certification of snowmobile [and], ATV and OHM
3 operators.

4 Section 12. Sections 7726(a) introductory paragraph, (b) and
5 (c) introductory paragraph, (2) and (5), 7727, 7728, 7729(a) and
6 7730(a), (b) and (c) of Title 75 are amended to read:

7 § 7726. Operation in safe manner.

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

10 * * *

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

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

22 * * *

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

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

8 * * *

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

14 § 7727. Additional limitations on operation.

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

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

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

22 § 7728. Accidents and accident reports.

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

1 sustaining the damage is present at the place where the damage
2 occurred, then the operator shall immediately report, as soon as
3 he is physically able, the accident to the nearest law
4 enforcement agency.

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

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

30 (d) Exception.--This section does not apply when property

1 damage is sustained in sanctioned snowmobile [or], ATV or OHM
2 races, derbies and rallies.

3 § 7729. Liability of owner for negligence.

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

13 * * *

14 § 7730. Liability insurance.

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

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

1 damage or the claim of such injury or damage.

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

8 * * *

9 Section 13. Section 7741(a) and (b) of Title 75 are amended
10 and the section is amended by adding a subsection to read:

11 § 7741. Head lamps and tail lamps.

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

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

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

30 (2) If the snowmobile [or], ATV or OHM is equipped with

1 a single beam head lamp, the lamp shall be so aimed that when
2 the vehicle is loaded none of the high intensity portion of
3 the light, at a distance of 75 feet ahead, projects higher
4 than the level of the center of the lamp from which it comes.

5 * * *

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

9 Section 14. Section 7742(b) of Title 75 is amended to read:

10 § 7742. Brakes.

11 * * *

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

18 Section 15. Section 7743(a) and (b) of Title 75, amended
19 October 24, 2018 (P.L.725, No.115), is amended to read:

20 § 7743. Mufflers and sound control.

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

1 more stringent [noise] sound requirements for snowmobiles. The
2 department shall by regulation adopt [noise] sound requirements
3 for in-use operation of ATV's and OHM's using measurement
4 procedures in accordance with [ANSI/SAE] SAE Recommended
5 Practice J 1287 July 1998, Measurement of Exhaust Level of
6 Stationary Motorcycles. The sound level intensity produced by an
7 ATV or an OHM manufactured before January 1, 1998, shall not
8 exceed 99dbA, or decibels, when measured at 20 inches. The sound
9 level intensity produced by an ATV or an OHM manufactured on or
10 after January 1, 1998, shall not exceed 96dbA, or decibels, when
11 measured at 20 inches.

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

17 * * *

18 Section 16. Sections 7751(b) and (d) and 7752(d)(1) of Title
19 75 are amended to read:

20 § 7751. Enforcement personnel and procedures.

21 * * *

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

29 * * *

30 (d) Rules and regulations.--The department [may] shall

1 promulgate such rules and regulations [as may be deemed
2 necessary] to accomplish the purposes and enforce the provisions
3 of this section including requirements for reporting by trial
4 courts having jurisdiction over snowmobile [and], ATV and OHM
5 violations.

6 § 7752. Penalties for violation of chapter.

7 * * *

8 (d) Registration.--

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

21 * * *

22 Section 17. This act shall take effect as follows:

23 (1) The following shall take effect immediately:

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

25 (ii) This section.

26 (2) The remainder of this act shall take effect in 60
27 days.