

No. 2016-97

AN ACT

SB 648

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in snowmobiles and all-terrain vehicles, further providing for restricted account and for Snowmobile and ATV Advisory Committee; and making an editorial change.

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

Section 1. Section 7706 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 7706. Restricted **[account] accounts**.

(a) Deposit and use of moneys.—

(1) The **[department] ATV Management Restricted Account and the Snowmobile Management Restricted Account are established in the State Treasury. The department** shall deposit the following into **[a] the appropriate** restricted account**[, which is hereby established]:**

(i) all moneys received from the registration of and issuance of certificates of title for snowmobiles and ATV's and from the issuance of vintage snowmobile permits;

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

(iii) all fines, penalties, fees and costs assessed and collected as a result of enforcement activities conducted by the department's law enforcement personnel under this chapter~~.]~~ ***related to violations attributed to ATV's shall be deposited in the ATV Management Restricted Account;***

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

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

(2) The department shall draw moneys from the **respective** restricted **[account] accounts** for use in performing any activities necessary to carry out the purposes of this chapter, including registration and certificate of title activities, training, education, enforcement activities, construction and maintenance of snowmobile and ATV trails and acquisition of equipment, supplies and interests in land. All moneys deposited in **[this account shall remain in it] these accounts shall remain in them** to be used as specified in this section. ***With the exception of trails used by both snowmobiles and ATV's, under no circumstances shall the department expend any moneys from the accounts except for the activity that generated those accounts.***

(3) The provisions of 42 Pa.C.S. § 3573(b)(2) (relating to municipal corporation portion of fines, etc.) notwithstanding, when prosecution under this chapter is the result of local police action, all fines, penalties, fees and costs assessed as a result of such prosecution shall be payable to the municipal corporation under which the local police are organized.

(b) Grant-in-aid.—The department shall, upon written application and subsequent approval, grant money from the restricted **[account] accounts**:

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

(i) Plans, specifications and engineering surveys.

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

(iii) Land acquisition.

(iv) Construction, maintenance and rehabilitation of trails and other facilities for snowmobiles and ATV's.

(2) To municipalities and profit and nonprofit organizations for equipment, training and education activities relating to snowmobile and ATV use.

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

(b.1) Regulations.—No later than 60 days from the effective date of this subsection, the department shall promulgate regulations necessary to implement the provisions of subsection (b). The department shall promulgate the regulations in a manner that is separate from regulations pertaining to any other grant program administered by the department. The department's regulations shall include a semiannual approval grant process.

(c) Audit of moneys.—The restricted **[account] accounts** shall be audited every two years. Copies of the audit shall be provided to the Snowmobile and ATV Advisory Committee[,], ***the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives.*** Copies shall also be posted and maintained on the department's publicly accessible Internet website.

(d) Annual report.—An annual report on income and expenditures from the restricted accounts shall be posted and maintained on the department's publicly accessible Internet website and provided to the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives.

(e) Definition.—For purposes of this section, "all-terrain vehicle" or "ATV" shall also include any self-propelled vehicle which is manufactured for sale or operation primarily on off-highway trails or off-highway competition and only incidentally operated on public highways. This term shall not include a snowmobile or other self-propelled vehicles manufactured for off-highway use exclusively designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts or cleats which utilize an endless belt tread.

Section 2. Sections 7717(b), (e)(1) and (2) and (f) and 9017(d.1)(1) of Title 75 are amended to read:

§ 7717. Snowmobile and ATV Advisory Committee.

* * *

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

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

(2) The chairman and minority chairman of the Environmental Resources and Energy Committee of the House of Representatives.

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

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

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

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

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

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

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

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

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

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

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

(v) One member from a list of at least three representatives submitted by the Pennsylvania *Association of Travel [Council] and Tourism.*

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

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

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(e) Meetings and expenses.—

(1) The committee shall meet at least **[annually] biannually.**

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

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(f) Powers and duties.—The powers and duties of the committee shall be to advise the Secretary of Conservation and Natural Resources on matters concerning the implementation of this chapter, including existing and proposed regulations, standards, policies, *guidelines* and practices; use and operation of snowmobiles and ATV's on public and private land; acquisition, construction, development and maintenance of trails; enforcement; and allocation of fees collected by the department pursuant to this chapter.

§ 9017. Refunds.

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(d.1) Motorized recreational vehicles.—

(1) When the tax imposed by this chapter has been paid and the fuel on which the tax has been imposed has been consumed in the operation of motorized recreational vehicles on designated roads and bridges of this Commonwealth, including roads and bridges bordering on this Commonwealth, annually up to a maximum of \$1,000,000 of the full amount of such taxes shall be refunded to the restricted **[account] accounts** established in section 7706 (relating to restricted **[account] accounts**) upon petition to the Board of Finance and Revenue.

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Section 3. All money in the restricted accounts established under 75 Pa.C.S. § 7706 that exists on the effective date of this section shall be used in performing any activities necessary to carry out the purposes of 75 Pa.C.S. Ch. 77, including registration and certificate of title activities, training, education, enforcement activities, construction and maintenance of snowmobile and ATV trails and acquisition of equipment, supplies and interests in land.

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

APPROVED—The 20th day of July, A.D. 2016

TOM WOLF