

No. 75

AN ACT

HB 38

Regulating snowmobiles, providing for registrations and fees, and providing penalties.

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

Section 1. Definitions.—As used in this act, the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning:

(1) “Department” means the Department of Environmental Resources of this Commonwealth.

(2) “Cowling” means the forward portion of the snowmobile usually of fiberglass, or similar material, surrounding the motor and clutch assembly.

(3) “Dealer” means a person, partnership, or corporation engaged in the business of selling snowmobiles at wholesale or retail.

(4) “Head lamp” means a major lighting device used to provide general illumination ahead of a vehicle.

(5) “Highway” means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(6) “Secretary” means the Secretary of Environmental Resources of this Commonwealth.

(7) “Snowmobile” means any engine-driven vehicle of a type which utilizes sled type runners, or skis, or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include any farm tractor, highway or other construction equipment, or any military or law enforcement vehicle.

(8) “Street” means every highway within the corporate limits of a political subdivision except alleys.

(9) “Tail lamp” means a device to designate the rear of a vehicle by a warning light.

Section 2. Registration.—(a) Upon application therefor upon a form prescribed and furnished by the department which shall contain a full description of the snowmobile, the actual and bona fide name and address of the owner, proof of ownership and any other information he may reasonably require and which shall be accompanied by the fee required under the provisions of this act, the secretary shall issue a certificate of registration of a snowmobile to the owner.

(b) Fees for registration of snowmobiles, to be collected by the secretary under this act are as follows:

- (1) A fee of five dollars (\$5) for each individual resident registration.
- (2) A fee of five dollars (\$5) for each individual nonresident registration.
- (3) A fee of twenty-five dollars (\$25) for each dealer registration.
- (4) A fee of one dollar (\$1) for replacement of loss, mutilated or destroyed certificate.

(c) Any person who is in the business of selling snowmobiles shall register as a dealer. The secretary, upon receipt of application and the required fee, shall assign a distinguishing dealer registration number to the registrant and issue appropriate registration certificate to him. Dealer registrations are not transferable.

Section 3. Certificates of Registration.—(a) Certificates of registration and five inch high decals treated with special materials so as to make them reflective which shall bear a number assigned to the snowmobile, shall be issued to the applicant. The decals shall be displayed on both sides of the cowling of the snowmobile for which issued. No number other than the number assigned to a snowmobile by the department or the identification number of the registration in another state shall be attached to or displayed on the cowling. The certificate of registration issued for a snowmobile shall expire and the decal shall become invalid when title to the snowmobile is transferred.

The secretary shall maintain a central file of the certificate of registration number, name and address of the owner of each snowmobile for which a certificate of registration is issued and such information shall be made available to all enforcement agencies.

(b) Except as hereinafter provided, it shall be unlawful to operate a snowmobile unless a certificate of registration has been issued therefor and unless there is displayed thereon a decal.

Certificates of registration and decals shall be issued without the payment of a fee, for snowmobiles owned by the Commonwealth of Pennsylvania or a political subdivision thereof or snowmobiles owned by volunteer organizations and used exclusively for emergency purposes, upon application therefor, provided, however, that each such snowmobile shall display the proper decal issued for it.

No certificate of registration or decal shall be required for the following described snowmobiles:

- (1) Snowmobiles owned and used by the United States, another state, or a political subdivision thereof, but such snowmobiles shall display the name of the owner on the cowling thereof.
- (2) Snowmobiles covered by a valid registration or license of another state, province or country.
- (3) Snowmobiles owned and operated on lands owned by the owner or operator or on lands to which he has a contractual right other than as a member of a club or association, provided the snowmobile is not operated elsewhere within the State.

The provisions of this act relating to certificates of registration and decals shall not apply to nonresident owners who have complied with the registration and licensing laws of the state, province, district or country of residence, provided that the snowmobile is appropriately identified in accordance with the laws of the state of residence. Nothing in this act shall be construed to authorize the operation of any snowmobile contrary to the provisions of this act.

(c) None of the provisions of the act shall apply to duly constituted law enforcement officers while in the performance of their official duties.

Section 4. Operation.—(a) No person shall operate a snowmobile upon any highway or cross any highway other than to drive across a two-lane highway, and then only after stopping and yielding the right-of-way to all vehicles approaching on the highway.

(b) A snowmobile may make a direct crossing of a street or two-lane highway provided:

(1) The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and

(2) The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and

(3) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and

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

(c) Except as otherwise provided in this act, it shall be unlawful to operate a snowmobile on any street or highway which is not designated and posted as a snowmobile road by the governmental agency having jurisdiction.

(d) Snowmobiles may be operated on highways and streets during periods of emergency when so declared by a policy agency having jurisdiction.

(e) Snowmobiles may be operated on highways and streets when necessary to cross a bridge or culvert.

(f) Snowmobiles may be operated on highways and streets for special snowmobile events of limited duration which are conducted according to a prearranged schedule under permit from the governmental unit having jurisdiction.

Section 5. Snowmobile Races, Rallies and Derbies.—Any political subdivision may block off the streets of such political subdivision for the purpose of allowing snowmobile races, rallies or derbies but the political subdivision shall not be responsible for any injury suffered by anyone in connection with, or arising out of, any such race, rally or derby unless the injury is caused by the negligence of such political subdivision. No State trunk highway or connecting street or part thereof, shall be blocked off by any political subdivision for any snowmobile race, rally or derby. Every

political subdivision shall notify the local police department and the county sheriff's office at least one week in advance of the time and place of any snowmobile race, rally or derby which may result in any street or part thereof, of the political subdivision being blocked off. Upon such notice, the local police department shall take such measures as it deems appropriate to protect persons and property and to regulate traffic in the designated area and its vicinity on the day of such race or derby.

Section 6. Operation by Persons Under Age Sixteen.—(a) No person under the age of sixteen shall drive a snowmobile across any highway or connecting street thereto.

(b) No person under the age of ten years shall operate a snowmobile without the knowledge and express consent of the land owner unless he is accompanied by a person over eighteen years of age or a person over fourteen years of age who hold a snowmobile safety certificate.

(c) On and after February 1, 1972, except as provided in this section, no person ten years and over and who has not reached his sixteenth birthday shall operate a snowmobile in the State, except upon lands of his parent or guardian unless and until he has received safety training as prescribed by the department and has received the appropriate snowmobile safety certificate issued by the secretary.

(d) The failure of such a youthful operator to exhibit a snowmobile safety certificate upon demand to any police officer having authority to enforce the provisions of this act, shall be presumptive evidence that such person is not the holder of such certificate.

(e) After February 1, 1972, no owner of a snowmobile shall authorize or permit the operation thereof within the State by any person under the age of sixteen years unless the operator is the holder of a valid snowmobile safety certificate or except as authorized by subsection (c) of this section.

(f) The secretary may authorize sanctioned snowmobile clubs to act as his agents in conducting classes and examinations and issuing snowmobile safety certificates in his name.

Section 7. Accident Reports.—(a) The operator of any snowmobile involved in any accident resulting in injuries to or death of any person or property damage to the estimated amount of one hundred dollars (\$100) or more is sustained, shall within seven days after such accident report the matter in writing to the department. If such operator is physically incapable of making such report and there is another participant in the accident not so incapacitated, such participant shall make the report within the allotted time after such accident. In the event that there is no other participant and the operator is other than the owner, then the owner shall within the prescribed period of time, after learning of the facts of such accident, report the matter to the department, together with such information as may have come to his knowledge relating to such accident. Every such operator of a snowmobile, or surviving participant of any such accident, or the owner of the snowmobile involved in any such accident,

shall make such other and additional reports as the department shall require. The provisions of this section shall not apply when property damage is sustained in sanctioned snowmobile races, derbies and rallies.

(b) Whenever any snowmobile meets with an accident involving a loss of life, personal injury or damage to property and the operator thereof has knowledge of such accident, he shall stop and give his name and address, the name and address of the owner thereof and the permit number of the snowmobile to the injured person or the person sustaining the damage, or to a police officer, or in case no police officer nor the person sustaining the damage is present at the place where the damage occurred then he shall immediately report as soon as physically able, the same to the nearest law enforcement agency.

(c) A law enforcement officer who investigates or receives information of an accident involving a snowmobile shall make a written report of the investigation or information received, and such additional facts relating to the accident as may come to his knowledge and mail the same within forty-eight hours to the department and keep a record thereof in his office.

Section 8. Liability for Negligence.—Negligence in the use or operation of a snowmobile is attributable to the owner. Every owner of a snowmobile used or operated in this State shall be liable and responsible for death or injury to person or damage to property resulting from negligence in the use or operation of such snowmobile by any person using or operating the same with the permission, express or implied, of such owner, provided, however, that such operator's negligence shall not be attributed to the owner as to any claim or cause of action accruing to the operator or his legal representative for such injuries or death.

Section 9. Firearms and Bows.—Except as otherwise permitted under the provisions of The Game Law, no person shall operate or ride in any snowmobile with any bow and arrows or with any firearm in his possession unless it is unloaded.

Section 10. Driving Game Prohibited.—Except as otherwise permitted under the provisions of The Game Law, no person shall drive or pursue any wildlife with a snowmobile.

Section 11. Owner Permitting Operations.—No owner or other person having charge or control of a snowmobile shall knowingly authorize or permit any person to operate such snowmobile who is incapable, by reason of age, physical or mental disability, or who is under the influence of intoxicating liquor, fermented malt beverages, narcotics or other drugs.

Section 12. Head Lamps and Tail Lamps.—(a) Every snowmobile operated during hours of darkness, shall display a lighted head lamp and tail lamp. These lights shall be in operation during the period of from one-half hour after sunset to one-half hour before sunrise and at any time when, due to insufficient light or unfavorable atmospheric conditions,

caused by fog or otherwise, other persons, vehicles and other objects are not clearly discernible for a distance of five hundred feet ahead.

(b) The head lamp shall display a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of one hundred feet ahead.

(c) If the snowmobile is equipped with a multiple beam head lamp, the upper beam shall meet the minimum requirements set forth in subsection (b) of this section, and the lowermost beam shall be so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least fifty feet ahead.

(d) If the snowmobile is equipped with a single beam lamp, such lamp shall be so aimed that when the vehicle is loaded none of the high intensity portion of the light, at a distance of seventy-five feet ahead, projects higher than the level of the center of the lamp from which it comes.

(e) The tail lamp on a snowmobile must display a red light plainly visible during darkness from a distance of five hundred feet.

Section 13. Brakes.—It shall be unlawful to operate a snowmobile which is not equipped with at least one brake operated either by hand or by foot, capable of bringing the snowmobile to a stop, under normal conditions, within fifty feet when traveling at a speed of twenty miles per hour with a hundred fifty pound driver and on hard packed snow. The brake shall be of sound design with the disk or brake drum directly connected or integral with the belt drive shaft and with an internal-expanding brake shoe or engaging disks. The design shall permit simple and easy adjustment to compensate for wear.

Section 14. Mufflers.—It shall be unlawful to operate a snowmobile which is not equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise. The exhaust system shall not emit or produce a sharp popping or crackling sound. This section does not apply to organized races or similar competitive events.

Section 15. Miscellaneous Provisions for Snowmobile Operation.—No person shall operate a snowmobile in any of the following ways:

(1) At a rate of speed that is unreasonable or improper under existing conditions;

(2) In any careless way so as to endanger the person or property of another;

(3) While under the influence of intoxicating liquor, fermented malt beverages, narcotics or other drugs;

(4) On private property, without the consent of the owner of or lessor thereof. Any person operating a snowmobile upon lands of another shall stop and identify himself upon the request of the landowner or his duly authorized representatives, and, if requested to do so by said landowner shall promptly remove said snowmobile from the premises.

Section 16. Enforcement.—(a) Every law enforcement officer in the

State and designated officers and employes of the department shall enforce this act.

(b) The secretary shall be authorized to prescribe the form of summons and/or complaint on all cases involving a violation of any provision of this act or of any ordinance, rule or regulation relating to snowmobiles, or of any class or category of such cases, and to establish procedures for proper administrative controls over the disposition thereof.

(c) The chief executive officer of each local police force including county, municipality and township police departments, sheriffs, and the Commissioner of State Police shall prepare or cause to be prepared such records and reports as may be prescribed hereunder.

(d) The secretary shall have the power to adopt such rules and regulations as may be deemed necessary to accomplish the purposes and enforce the provisions of this section including requirements for reporting by trial courts having jurisdiction over snowmobile violations.

(e) Any person who disposes of any uniform snowmobile summons and/or complaint in any other manner than that prescribed by law, rule or regulation shall be guilty of a misdemeanor.

(f) When a snowmobile summons has been served by a peace officer in cases of violation of any provision of this act or of any ordinance, rule or regulation enacted pursuant thereto or pursuant to any other law relating to snowmobiles, any chief, deputy chief, captain, lieutenant or acting lieutenant, sergeant, or acting sergeant of a police department, or any sheriff, chief deputy, deputy sergeant or deputy in charge of snowmobiles maintained by any sheriff in any county to whom the service of the snowmobile summons is reported, is hereby authorized to administer to such peace officer all necessary oaths in connection with the execution of the complaint to be presented in court by such peace officer in the prosecution of such offense.

Section 17. Collection of Penalties.—(a) An action to recover any penalty imposed under the provisions of this act may be brought in any court of competent jurisdiction in this State on order of the secretary and in the name of the people of the Commonwealth of Pennsylvania. In any such action all penalties incurred up to the time of commencing the action may be sued for and recovered therein and the commencement of an action to recover any such penalty shall not be, or be held to be, a waiver of the right to recover any other penalty. In case of recovery of any amount in an action brought to recover any such penalty the people shall be entitled to recover full costs, of course, and at the rates provided for civil actions.

(b) No person shall be excused from testifying or producing any books, papers or other documents in any civil action to recover any such penalty, upon the ground that his testimony might tend to convict him of a crime, or to subject him to a penalty or forfeiture. But no person shall be

prosecuted, punished or subjected to any penalty of forfeiture for or on account of any such act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding; provided, however, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained is intended to give, or shall be construed as in any manner giving, unto any corporation, immunity of any kind.

(c) A defendant charged with a violation of any provision of this act may himself plead guilty to the charge in open court. He may also submit to the judge having jurisdiction, in person, by duly authorized agent, or by registered mail, a statement (1) that he waives arraignment in open court and the aid of counsel, (2) that he pleads guilty to the offense as charged, (3) that he elects and requests that the charge be disposed of and the fine or penalty fixed by the court, (4) any explanation that he desires to make concerning the offense charged, and (5) that he makes all statements under penalty or perjury. Thereupon the judge may proceed as though the defendant had been convicted upon a plea of guilty in open court, provided, however, that any imposition of fine or penalty hereunder shall be deemed tentative until such fine or penalty shall have been paid and discharged in full. If upon receipt of the aforesaid statement the judge shall deny the same, he shall thereupon notify the defendant of this fact, and that he is required to appear before the said judge at a stated time and place to answer the charge which shall thereafter be disposed of pursuant to the applicable provisions of law.

(d) The court or justice before whom any person shall be tried, or the clerk of the court, shall at the termination of such trial or proceeding, forthwith mail or deliver to the department at Harrisburg, a certified statement of the disposition of the case or proceeding, giving the date thereof, the name of the defendant, the date and place of the violation, the name of each witness sworn in support of the charges and the amount of the fine or penalty paid.

(e) The provisions of this section shall in no way prohibit the prosecution of violations of this act in any court of competent jurisdiction in the same manner as other offenses and crimes.

Section 18. Disposition of Fees and Penalties.—(a) On the first day of each month or within ten days thereafter, all fines and penalties collected for violations of this act, shall be paid over to the secretary, with a statement accompanying the same, setting forth the action or proceeding in which such moneys were collected, the name and residence of the defendant, the nature of the offense, and the fines and penalty imposed.

(b) The secretary shall deposit all moneys received by him from the registration of snowmobiles, the sale of snowmobile registration information, snowmobile publications and other services provided by the

department, all fines and penalties resulting from violations of this act and all fees collected by him under this act to the credit of the General Fund.

Section 19. State Aid to Municipalities.—(a) Every county, municipality or township enforcing the provisions of this act shall be entitled to receive State aid as hereinafter provided. A county, municipality or township seeking reimbursement for expenditures incurred in enforcement of this act shall submit to the secretary by January first of each year an estimate of such expenditures for the current fiscal year, in such form and containing such information as the secretary may require. Within one month after the close of the fiscal year, each such county, municipality or township shall submit to the secretary a statement of authorized expenditures actually incurred, in such form and containing such information as he may require. For the purpose of this section, “fiscal year” shall mean the period from July first through June thirtieth.

(b) The amount of State aid to be allocated to counties, municipalities or townships shall be determined by the secretary as hereinafter provided. The secretary shall determine the percentage proportion which the authorized expenditures of each individual county, municipality or township but not exceeding twenty-five thousand dollars (\$25,000) for each county including the municipalities and townships therein, shall bear to the total authorized expenditures of all the counties, municipalities or townships for enforcement of this act during the fiscal year. Such percentage proportion shall then be applied against an amount equal to twenty-five per cent of the amount received by the secretary in fees received for registration of snowmobiles during such fiscal year, to the extent only and not exceeding the sum of one hundred fifty thousand dollars (\$150,000).

The amount thus determined shall constitute the maximum amount of State aid to which each county, municipality or township shall be entitled; provided, however, that no county, municipality or township shall receive State aid in an amount in excess of one-half of its authorized expenditures as approved by the secretary for such fiscal year.

The secretary shall certify to the State Treasurer the amount thus determined for each county, municipality or township as the amount of State aid to be apportioned to such county, municipality or township.

Section 20. Rules and Regulations.—The Secretary of Environmental Resources shall have the power and his duty shall be to promulgate rules and regulations as may be necessary to carry out the provisions of this act and the rules and regulations so promulgated shall have the full force and effect of law.

Section 21. Penalties.—Any person violating any of the provisions of this act shall, upon summary conviction for a first offense, be sentenced to pay a fine of not less than ten dollars (\$10) nor more than fifty dollars (\$50) and costs of prosecution and, in default of the payment thereof, shall undergo imprisonment for not more than ten days and for a second

offense be sentenced to pay a fine of not less than twenty-five dollars (\$25) and not more than one hundred dollars (\$100) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than thirty days, and the secretary may for cause suspend or revoke the snowmobile permit.

Section 22. Effective Date.—This act shall take effect in thirty days.

APPROVED—The 12th day of August, A. D. 1971.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 75.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T" at the end.

Secretary of the Commonwealth.