

No. 1990-83

AN ACT

HB 334

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for certificate of title applications, transfers and security interests and for manufacturer and dealer registration plates; providing for special registration plates for Pearl Harbor survivors and for circus and carnival use; further providing for suspension of registration, suspension of vehicle business registration plates, revocation or suspension of operating privilege and cancellation of driver's license; providing for personnel actions based on certain employee safety considerations and for the Motor Vehicle Transaction Recovery Fund; further providing for a certain restricted receipts fund, for certificates of registration and decals and for exemptions from registration; and making a repeal.

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

Section 1. Section 1103 of Title 75 of the Pennsylvania Consolidated Statutes is repealed.

Section 2. Title 75 is amended by adding a section to read:

**§ 1103.1. Application for certificate of title.**

*(a) Contents of application.—Application for a certificate of title shall be made upon a form prescribed and furnished by the department and shall contain a full description of the vehicle, the vehicle identification number, odometer reading, date of purchase, the actual or bona fide name and address of the owner, a statement of the title of applicant, together with any other information or documents the department requires to identify the vehicle and to enable the department to determine whether the owner is entitled to a certificate of title, and the description of any security interests in the vehicle.*

*(b) Signing and filing of application.—Application for a certificate of title shall be made within 20 days of the sale or transfer of a vehicle or its entry into this Commonwealth from another jurisdiction, whichever is later. The application shall be accompanied by the fee prescribed in this title, and any tax payable by the applicant under the laws of this Commonwealth in connection with the acquisition or use of a vehicle or evidence to show that the tax has been collected. The application shall be signed and verified by oath or affirmation by the applicant if a natural person; in the case of an association or partnership, by a member or a partner; and in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application.*

*(c) Manufacturer's Statement of Origin for new vehicles.—If the application refers to a new vehicle, it shall be accompanied by the Manufacturer's Statement of Origin for the vehicle.*

*(d) Vehicles purchased from dealers.—If the application refers to a vehicle purchased from a dealer, the dealer shall mail or deliver the applica-*

tion to the department within 20 days of the date of purchase. The application shall contain the names and addresses of any lienholders in order of priority and the amounts and the dates of the security agreements and be assigned by the dealer to the owner and signed by the owner. Any dealer violating this subsection is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50 for each violation. The requirement that the dealer mail or deliver the application to the department does not apply to vehicles purchased by fleet owners or governmental or quasi-governmental agencies.

(e) *Out-of-State vehicles.*—If the application refers to a vehicle last previously titled or registered in another state or country, the following information shall be contained in or accompany the application or be forwarded in support of the application as required by the department:

(1) Any certificate of title issued by the other state or country.

(2) A tracing of the vehicle identification number taken from the official number plate or, where it is impossible to secure a legible tracing, verification that the vehicle identification number of the vehicle has been inspected and found to conform to the description given in the application. The department shall provide by regulation the persons who are authorized to verify vehicle identification numbers under this paragraph.

(3) Any other information and documents the department reasonably requires to establish the ownership of the vehicle and the existence or non-existence of security interests in the vehicle.

(f) *Foreign vehicles owned by military personnel.*—If the application refers to a vehicle last previously registered in another country by a person on active duty in the armed forces of the United States, the department may accept a complete form issued by the United States Department of Defense as evidence of ownership.

(g) *Specially constructed or reconstructed vehicles.*—If the vehicle to be titled is a specially constructed or reconstructed vehicle, that fact shall be stated in the application. The department may promulgate rules and regulations pertaining to the titling of specially constructed or reconstructed vehicles.

(h) *Penalties.*—Any person who falsely verifies a vehicle identification number under subsection (e)(2) or who verifies a vehicle identification number without being authorized as provided in subsection (e)(2) commits a summary offense punishable by a fine of \$300.

Section 3. Sections 1113(a), 1132(b), 1335 and 1336 of Title 75 are amended to read:

§ 1113. Transfer to or from manufacturer or dealer.

(a) Transfer to manufacturer or dealer.—When the purchaser or transferee of a vehicle is a manufacturer or registered dealer who holds the vehicle for resale, a certificate of title need not be applied for as provided for in section 1111 (relating to transfer of ownership of vehicle) *for a period of six months from the date of the assignment*, but the transferee shall, within seven days from the date of assignment of the certificate of title to the manufacturer or dealer, forward to the department, upon a form prescribed and

furnished by the department, notification of the acquisition of the vehicle. Notification as authorized in this section may not be used in excess of three consecutive transactions after which time an application shall be made for a certificate of title. *Notwithstanding the foregoing, a transferee shall apply for a certificate of title no later than six months from the date of the assignment.*

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§ 1132. Perfection of security interest.

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(b) Method of perfection.—A security interest is perfected [by notation thereof by the department on the certificate of title for the vehicle] *at the time an application for a certificate of title is received or date stamped by the department.* In order to obtain such notation the lienholder shall deliver to the department the existing certificate of title, if any; an application for a certificate of title upon a form prescribed by the department containing the name and address of the lienholder; and any other information regarding the security interest as may be reasonably required and the required fee.

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§ 1335. Registration plates for manufacturers and dealers.

(a) General rule.—The department shall issue to dealers and manufacturers licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons and other dealers governed by department regulations, *upon posting of a bond in the amount of \$20,000*, special registration plates which may be displayed on vehicles operating on highways in lieu of registering each vehicle individually.

*(a.1) Bond already on file.—An authorized dealer or manufacturer who has filed a bond with the Commonwealth shall not be required to file a separate bond under this section if the bond already on file with the Commonwealth is in the name of the Commonwealth and in an amount and coverage at least equal to that required under this section.*

(b) Application for plates.—Application for dealer registration plates shall be made by the dealer or manufacturer on a form provided by the department together with a copy of his license from the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen.

(c) Exemption from individual registration.—Vehicles displaying dealer registration plates may be operated on the highway without registering each vehicle individually, provided that the plates are used in accordance with the limitations of section 1336 (relating to use of dealer registration plates).

(d) Modular housing manufacturers.—For the purposes of this section, no modular housing manufacturer shall be required to be licensed by the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen of the Department of State in order to receive registration plates.

§ 1336. Use of dealer registration plates.

(a) General rule.—Dealer registration plates may be used on any vehicle owned or in possession of a dealer or manufacturer [and operated by the dealer or manufacturer or their employees only when the vehicle is], *but only if the vehicle is being held for sale, is unladen except for safety equipment,*

*jumper cables and similar items or is being used for any of the following purposes:*

**[(1)] (1) In the business of the registrant as a dealer or manufacturer.**

**[(2)] (1)** For the personal **[pleasure or]** use of the dealer or members of his immediate family, or when the dealer is a corporation, for the personal **[pleasure or]** use of the officers or members of their immediate families, or for the personal use of the regular employees of the dealer.

**[(3)] (2)** For teaching students enrolled in an approved driver education course how to operate a vehicle and for the new driver to take an examination for a driver's license.

**[(4)] (3)** For testing vehicles in the possession of the dealer or manufacturer.

**[(5)] (4)** For demonstrating vehicles in the possession of the dealer or manufacturer.

**[(6)] (5)** For loaning to customers whose vehicles are being repaired.

**[(7)] (6)** For loaning to prospective purchasers for a period not exceeding five days for the purpose of demonstrating vehicles.

(b) Records.—Records shall be kept by the dealer in a manner prescribed by the department indicating which vehicles have been used as provided in subsection **[(a)(3), (6) and (7)] (a)(2), (5) and (6)**. The records shall be open to inspection by representatives of the department and police officers.

Section 4. Title 75 is amended by adding sections to read:

**§ 1348. Special plates for Pearl Harbor survivors.**

*Upon application of any person who is a survivor of Pearl Harbor, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department shall require by regulation, the department shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a survivor of Pearl Harbor. The special registration plate may be used only on one passenger vehicle or one other vehicle with a registered gross weight of not more than 9,000 pounds.*

**§ 1349. Circus or carnival plates.**

*Upon submission by a truck or truck tractor owner of information to the department that a truck or truck tractor is used exclusively for the purpose of transportation of circus or carnival personnel or equipment or machinery and only so used during the period from April 1 through September 30 of any year, the department may issue special plates for the vehicle. The registration fee for the truck or truck tractor shall be one-half the fee for a similar truck or truck tractor not used for the purposes described in this section.*

Section 5. Sections 1373 and 1374 of Title 75 are amended to read:

**§ 1373. Suspension of registration.**

**(a) Suspension after opportunity for hearing.**—The department may suspend any registration after providing opportunity for a hearing in any of the following cases when the department finds upon sufficient evidence that:

(1) The vehicle is unsafe or unfit for operation or is not equipped as required by this title.

(2) The owner or registrant has made, or permitted to be made, any unlawful use of the vehicle or registration plate or plates, or registration card, or permitted the use by a person not entitled thereto.

(3) The owner or registrant has knowingly made a false statement or knowingly concealed a material fact or otherwise committed a fraud in any application or form required to be filed by this title.

(4) **[Upon the request or order of any court of record.**

**(5) The required fees have not been paid.**

(6) The registrant or any agent or employee has repeatedly violated any of the provisions of this chapter or Chapter 11 (relating to certificate of title and security interests).

**(b) Suspension without hearing.—The department may suspend any registration without providing an opportunity for a hearing in any of the following cases:**

**(1) Upon the request or order of any court of record.**

**(2) The required fees have not been paid.**

§ 1374. *Suspension or revocation of vehicle business registration plates.*

**(a) [General rule] Suspension or revocation after opportunity for hearing.—**The department may suspend or revoke registration plates for dealers, manufacturers or members of the “Miscellaneous Motor Vehicle Business” class after providing opportunity for a hearing in any of the following cases when the department finds upon sufficient evidence that:

(1) **[The] Except as provided in subsection (b)(1), the** registrant is no longer entitled to licensing as a dealer or manufacturer or to registration in the “Miscellaneous Motor Vehicle Business” class.

(2) The registrant has made or permitted to be made any unlawful use of the vehicle or registration plate or plates or registration card or permitted the use by a person not entitled thereto.

(3) The registrant has knowingly made a false statement or knowingly concealed a material fact or otherwise committed a fraud in any application.

(4) The registrant has failed to give notice of transfer of ownership or of the destruction or junking of any vehicle when and as required by this title.

(5) The registrant has failed to deliver to a transferee lawfully entitled thereto or to the department, when and as required by this title, a properly assigned certificate of title.

(6) The registrant has repeatedly violated any of the provisions of this title.

(7) Any fee payable to the Commonwealth in connection with the operation of the business of the registrant has not been paid.

**(b) Suspension without hearing.—The department may suspend or revoke registration plates for dealers, manufacturers or members of the “Miscellaneous Motor Vehicle Business” class without providing the opportunity for a hearing in any of the following cases:**

**(1) The registrant’s license as a dealer or manufacturer has been suspended or revoked by the State Board of Vehicle Manufacturers, Dealers**

*and Salespersons or the board has determined that the registrant is not entitled to such a license.*

*(2) If the Pennsylvania State Police shall certify that the dealer, manufacturer or member of the "Miscellaneous Motor Vehicle Business" class is no longer in business.*

**[(b)] (c)** Recommended action by State licensing board.—The department may also audit and investigate dealers and manufacturers registered by the State Board of **[Motor]** Vehicle Manufacturers, Dealers and **[Salesmen]** Salespersons to determine whether any dealer or manufacturer has violated any provision of this title pertaining to dealers or manufacturers or any regulation promulgated by the department. The department may recommend that the State Board of **[Motor]** Vehicle Manufacturers, Dealers and **[Salesmen]** Salespersons suspend the license of any dealer or manufacturer which it finds has committed a violation and the board shall take prompt action on any such recommendations under the act of **[September 9, 1965 (P.L.499, No.254), known as the "Motor Vehicle Manufacturer's, Dealer's and Salesmen's License Act.," December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act.**

Section 6. Section 1532(a) and (b)(1) and (3) of Title 75, amended May 30, 1990 (P.L.173, No.42), are amended to read:

§ 1532. Revocation or suspension of operating privilege.

(a) Revocation.—The department shall revoke the operating privilege of any driver for one year upon receiving a certified record of the driver's conviction of[, ] *or* an adjudication of delinquency [*or consent decree*] based on any of the following offenses:

(1) Any felony in the commission of which a court determines that a vehicle was essentially involved.

(2) Any violation of section 3735 (relating to homicide by vehicle while driving under influence).

(3) Any violation of the following provisions:

Section 3732 (relating to homicide by vehicle).

Section 3742 (relating to accidents involving death or personal injury).

Section 7102(b) (relating to removal or falsification of identification number).

Section 7103(b) (relating to dealing in vehicles with removed or falsified numbers).

Section 7111 (relating to dealing in titles and plates for stolen vehicles).

Section 7121 (relating to false application for certificate of title or registration).

Section 7122 (relating to altered, forged or counterfeit documents and plates).

(b) Suspension.—

(1) The department shall suspend the operating privilege of any driver for six months upon receiving a certified record of the driver's conviction of[, ] *or* an adjudication of delinquency [*or consent decree*] based on any offense under the following provisions:

Section 3367 (relating to racing on highways).

Section 3733 (relating to fleeing or attempting to elude police officer).

Section 3734 (relating to driving without lights to avoid identification or arrest).

Section 3736 (relating to reckless driving).

Section 3743 (relating to accidents involving damage to attended vehicle or property).

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(3) The department shall suspend the operating privilege of any driver for 12 months upon receiving a certified record of the driver's conviction of section 3731 (relating to driving under influence of alcohol or controlled substance) or an adjudication of delinquency [or consent decree] based on section 3731. *The department shall suspend the operating privilege of any driver for six months upon receiving a certified record of a consent decree granted under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) based on section 3731.*

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Section 7. Section 1572 of Title 75 is amended to read:

§ 1572. Cancellation of driver's license.

(a) *General rule.*—

(1) The department may cancel any driver's license upon determining that [the] *one of the following applies:*

(i) *The licensee was not entitled to the issuance [or that the].*

(ii) *The person failed to give the required or correct information or committed fraud in making the application or in obtaining the license [or the].*

(iii) *The license has been materially altered.*

(iv) *The fee has not been paid.*

(v) *The licensee voluntarily surrenders his driving privilege.*

(2) Upon the cancellation, the licensee shall immediately surrender the canceled license to the department.

(b) *Other states.*—*The department shall cancel a driver's license issued during the period of another state's suspension or revocation following an offense which resulted in an out-of-State suspension or revocation if the offense would result in suspension or revocation under this title.*

Section 8. Title 75 is amended by adding a section to read:

§ 1619. *Prohibition against discharging, disciplining or discriminating against employees.*

(a) *General rule.*—*No person shall discharge, discipline or in any manner discriminate against any employee with respect to the employee's compensation, terms, conditions or privileges of employment because such employee, or person acting pursuant to a request of the employee:*

(1) *refuses to operate a commercial motor vehicle which is not in compliance with the provisions of 67 Pa. Code Ch. 231 (relating to intrastate motor carrier safety requirements) and existing safety laws; or*

(2) *has filed any complaint or instituted or caused to be instituted any proceeding relating to a violation of a commercial motor vehicle safety rule, regulation, standard or order or has testified or is about to testify in any such proceeding.*

(b) *Unsafe conditions.—No person shall discharge, discipline or in any manner discriminate against an employee with respect to the employee's compensation, terms, conditions or privileges of employment for refusing to operate a vehicle when such operation constitutes a violation of any Federal rules, regulations, standards or orders applicable to commercial motor vehicle safety or health, or because of the employee's reasonable apprehension of serious injury to himself or the public due to the unsafe condition of such equipment. The unsafe conditions causing the employee's apprehension of injury must be of such nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a bona fide danger of an accident, injury or serious impairment of health resulting from the unsafe condition. In order to qualify for protection under this subsection, the employee must have sought from his employer and have been unable to obtain correction of the unsafe condition.*

(c) *Procedure.—*

(1) *Any employee who believes he has been discharged, disciplined or otherwise discriminated against by any person in violation of subsection (a) or (b) may, within 180 days after such alleged violation occurs, file or have filed by any person on the employee's behalf a complaint with the Pennsylvania Public Utility Commission alleging such discharge, discipline or discrimination. Upon receipt of such a complaint, the Pennsylvania Public Utility Commission shall notify the person named in the complaint of the filing of the complaint.*

(2) (i) *Within 60 days of receipt of a complaint filed under paragraph (1), the Pennsylvania Public Utility Commission shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify the complainant and the person alleged to have committed a violation of this section of its findings. Where the Pennsylvania Public Utility Commission has concluded that there is reasonable cause to believe that a violation has occurred, its finding shall be accompanied by a preliminary order providing the relief prescribed by subparagraph (ii). Thereafter, either the person alleged to have committed the violation or the complainant may, within 30 days, file objections to the findings or preliminary order, or both, and request a hearing on the record, except that the filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be expeditiously conducted. Where a hearing is not timely requested, the preliminary order shall be deemed a final order which is not subject to judicial review. Upon the conclusion of such hearing, the Pennsylvania Public Utility Commission shall issue a final order within 120 days. In the interim, such proceedings may be terminated at any time on the basis of a settlement agreement entered into by the Pennsylvania Public Utility Commission, the complainant and the person alleged to have committed the violation.*



(ii) *If, in response to a complaint filed under paragraph (1), the Pennsylvania Public Utility Commission determines that a violation of subsection (a) or (b) has occurred, the Pennsylvania Public Utility Commission shall order:*

(A) *the person who committed such violation to take affirmative action to abate the violation;*

(B) *such person to reinstate the complainant to the complainant's former position together with the compensation, including back pay, terms, conditions and privileges of the complainant's employment; and*

(C) *compensatory damages.*

(3) *If an order is issued under paragraph (2), the Pennsylvania Public Utility Commission, at the request of the complainant, may assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses, including attorney fees, reasonably incurred, as determined by the Pennsylvania Public Utility Commission, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.*

(d) *Review of order.—*

(1) *Any person adversely affected or aggrieved by an order issued after a hearing under subsection (c) may obtain review of the order in the Commonwealth Court. The petition for review must be filed within 60 days from the issuance of the Pennsylvania Public Utility Commission's order. Such review shall be in accordance with the provisions of 42 Pa.C.S. (relating to judiciary and judicial procedure) and shall be heard and decided expeditiously.*

(2) *An order of the Pennsylvania Public Utility Commission, with respect to which review could have been obtained under this section, shall not be subject to judicial review in any criminal or other civil proceeding.*

(e) *Enforcement of order.—Whenever a person has failed to comply with an order issued under subsection (c)(2), the Pennsylvania Public Utility Commission shall file a civil action in the court of common pleas for the district in which the violation was found to occur in order to enforce such order. In actions brought under this subsection, the court of common pleas shall have jurisdiction to grant all appropriate relief, including injunctive relief, reinstatement and compensatory damages.*

Section 9. Title 75 is amended by adding a chapter to read:

CHAPTER 23  
MOTOR VEHICLE TRANSACTION RECOVERY FUND

Sec.

- 2301. Definitions.
- 2302. Establishment and maintenance of fund.
- 2303. Disbursements.
- 2304. Assignment of claims.
- 2305. Appeals.
- 2306. Exemptions.
- 2307. Enforcement.

**§ 2301. Definitions.**

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

“Fund.” The Motor Vehicle Transaction Recovery Fund established in this chapter.

“Member.” Every holder of motor vehicle dealer registration plates and every person authorized to act as an agent of the department with respect to vehicle titling and registration.

**§ 2302. Establishment and maintenance of fund.**

(a) Establishment.—There is hereby established in the General Fund a Motor Vehicle Transaction Recovery Fund.

(b) Assessments.—

(1) Every applicant for motor vehicle dealer registration plates or for the authority to act as an agent for the department with respect to vehicle titling and registration shall pay, in addition to any other license fees and bonds, an assessment of \$60 to the fund.

(2) No current holder of motor vehicle dealer registration plates or person having the authority to act as an agent of the department may continue to operate without paying the assessment within 120 days of the effective date of this act.

(c) Use and maintenance of fund.—The assessments shall be used to establish and maintain the fund and shall be deposited into the State Treasury and credited to the fund. The fund shall be used solely to provide the Department of Transportation and the Department of Revenue with the money necessary to process documents relating to the titling and registration of vehicles as described in this chapter. The fund shall be invested and interest and dividends shall accrue to the fund.

(d) Minimum balance.—Whenever the balance of the fund falls below \$500,000, the secretary may assess all members an additional assessment of up to \$50 to bring the fund up to at least the \$500,000 minimum. Not more than one additional assessment may be made against a member in any 12-month period.

**§ 2303. Disbursements.**

(a) Authorization.—The secretary, or his designee, may, in his discretion, authorize a disbursement from the fund to cover the amount of any fees and taxes pertaining to an application for titling or registration of a vehicle which a member failed to forward to the department. The disbursement may not exceed the amount paid to the member for the fees and taxes associated with the titling and registration.

(b) Proof of loss.—In order to substantiate a disbursement from the fund, an aggrieved party shall forward to the department an application provided by the department. Along with other documentation, the department shall require the aggrieved party to provide the original or acceptable copies of the canceled check or money order paid to the member and the registration or other document issued to the aggrieved party by the member.

(c) Procedure.—Upon receipt of an application for disbursement, the department shall notify the member. If the member fails to forward the necessary titling or registration documents, fees and taxes within 15 days, the secretary may suspend the member and, where applicable, direct the Department of State to do so. If payment is not made by the member within 15 days and the secretary is satisfied concerning the proof of the claim, he shall direct that the titling and registration documents be processed with moneys from the fund.

§ 2304. Assignment of claims.

By making application to the fund, an aggrieved party assigns to the Commonwealth any claim he may have for restitution arising out of the failure of the member to forward the titling and registration documents, fees and taxes. The department may coordinate with applicable Commonwealth agencies the filing of a civil complaint against the member for reimbursement to the fund. Nothing contained in this chapter shall limit the authority of the department, the Department of Revenue or any other government agency to take civil, criminal or disciplinary action against any member for any violation of this title or any statute or regulation. Payment by the fund shall not relieve payment by any surety.

§ 2305. Appeals.

Any aggrieved party may appeal the decision of the secretary to the court of common pleas vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure).

§ 2306. Exemptions.

No person who acts solely as either a notary or messenger for motor vehicle forms shall be bound by the provisions of this chapter.

§ 2307. Enforcement.

(a) Criminal penalty.—Any member who issues or forwards to the department any documents relative to the titling or registration of a vehicle without having paid the requisite fee to the fund commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100 for each document submitted.

(b) Administrative penalties.—The department and the Department of State may suspend the license and recall motor vehicle dealer plates and the authority to issue temporary registrations of any member who does not pay the requisite fee to the fund prior to acting as a member. The suspension and recall shall remain in effect until the requisite fee is paid, plus an additional 30 days.

Section 10. Sections 7706, 7713 and 7714 of Title 75 are amended to read:

§ 7706. Restricted receipts fund.

(a) Deposit and use of moneys.—The department shall deposit all moneys received from the registration of snowmobiles and the registration and issuance of certificates of title for ATV's, the sale of snowmobile and ATV registration information, snowmobile and ATV publications and other services provided by the department, and all fees *and fines assessed and* collected under this chapter in a restricted receipts fund, from which the depart-

ment shall draw moneys for use in carrying out the registration and the issuance of certificates of title, safety education and enforcement requirements of this chapter as well as the establishment, construction and maintenance of trails and any equipment and supplies necessary to carry out the purposes of this chapter. All moneys in said fund not heretofore paid into the General Fund shall remain in said restricted receipts fund to be used as specified in this chapter *and any increases in moneys previously paid to the General Fund shall remain in said restricted receipts fund to be used as specified in this chapter.*

(b) Audit of moneys.—The restricted receipts fund shall be audited every two years.

§ 7713. Certificates of registration and decals.

(a) General rule.—Except as otherwise provided in this chapter, it is unlawful to operate a snowmobile or an ATV unless a certificate of registration has been issued therefor and unless there is displayed thereon the permanent or temporary registration [number and a valid] decal.

**[(b) Registration number requirements.—Numbers corresponding to the permanent registration number of the snowmobile, shown on the certificate of registration, shall be obtained by the applicant and affixed to the snowmobile. The permanent registration number displayed on the snowmobile shall be of a color which will contrast with the surface to which applied, shall be reflective and shall be at least three inches high.]**

**[(b) Snowmobiles purchased from dealers or manufacturers.—If a snowmobile is purchased from a dealer or manufacturer, the dealer or manufacturer shall mail or deliver to the department the application for the certificate of registration and any other required forms within 15 days of the date of purchase. Individuals seeking exemption under section 7714 (relating to exemptions from registration) shall sign an affidavit which ~~will be submitted to the department in lieu of the application for certification of registration.~~ Any dealer or manufacturer violating the requirements of this subsection commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300 or 90 days imprisonment, or both.**

(c) Display of [number and] registration decal.—The [decal and the permanent registration number] department shall issue registration decals no larger than 3 1/2 by 6 inches that 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 department shall by regulation prescribe the manner in which the [decal and] registration [number] decals shall be displayed on various types of ATV's.

(d) Expiration on transfer.—The certificate of registration issued to the owner of a snowmobile or an ATV shall expire and the decal shall become invalid when ownership of the snowmobile or ATV is transferred. Upon any transfer, the seller (and former owner) shall, within 15 days from the date of sale, return to the department the certificate of registration previously issued to him with the date of sale, name and residence of the new owner endorsed

on the back. If the former owner applies for registration of a different snowmobile or ATV and pays a transfer fee, he may be issued, in his name, a certificate of registration for that snowmobile or ATV for the remainder of the registration period without payment of a registration fee.

(e) **Suspension or revocation.**—The department may suspend or revoke the certification of registration for a snowmobile or an ATV upon conviction of the owner of any offense under this chapter.

§ 7714. Exemptions from registration.

(a) **General rule.**—No certificate of registration or decal shall be required for a snowmobile or an ATV:

(1) Owned and used by the United States or another state, or a political subdivision thereof, but such snowmobile shall display the name of the owner on the cowling thereof, and such ATV shall display the name of the owner in a manner prescribed by regulation of the department.

(2) Covered by a valid registration or license of another state, province or country.

(3) Owned and operated on lands owned by the owner or operator of the snowmobile or ATV or on lands to which he has a contractual right other than as a member of a club or association, provided the snowmobile or ATV is not operated elsewhere within this Commonwealth.

(b) **Penalty.**—*Any person violating the provisions of subsection (a)(3) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300 or 90 days imprisonment, or both.*

Section 11. Section 21 of the act of May 30, 1990 (P.L.173, No.42), entitled “An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for payment of fees and taxes when applying for a certificate of title; providing for commercial drivers; further providing for buses, for antique and classic vehicles, for exemptions from licensing, for classes of licenses, for school bus drivers, for issuance and content of driver’s license, for production of a driver’s license or evidence to avoid certain penalties, for revocation or suspension of operating privilege, for schedule of convictions and points, for surrender of license, for chemical testing to determine amount of alcohol or controlled substance, for occupational limited licenses, for judicial review, for violations concerning licenses, for driving under foreign license during suspension or revocation, for certain indemnification payments; providing for the registration of limousines; authorizing dealers of motor carrier vehicles and designated agents of the Department of Transportation to be agents for the Department of Revenue for certain purposes relating to the motor carrier road tax identification marker; further providing for penalties, for operation of certain vehicles without required identification markers for reckless driving, for driving under the influence of alcohol or controlled substance, for enforcement agreements and for reports by courts; and providing for careless driving,” is repealed.

Section 12. This act shall take effect as follows:

(1) Sections 1 (section 1103), 2 (section 1103.1) and this section shall take effect immediately.

(2) Section 6 (section 1532(a) and (b)(1) and (3)) shall take effect November 1, 1990, or immediately, whichever is later.

(3) Sections 3 (sections 1113(a), 1132(b), 1335 and 1336) and 5 (section 1374) shall take effect in 30 days.

(4) Section 4 (section 1349) shall take effect in 180 days.

(5) The remainder of this act shall take effect in 60 days.

APPROVED—The 10th day of July, A. D. 1990.

ROBERT P. CASEY