

No. 2001-33

AN ACT

SB 236

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, amending definitions; further providing for implements of husbandry, for duration of lien recorded on certificate of title, for certificate of inspection, for restrictions on use of highways and bridges, for depositing waste and other material on highway, property or water, for powers and responsibilities of local authorities and penalties related thereto and for refunds.

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

Section 1. The definitions of "commercial implement of husbandry," "farm equipment" and "implement of husbandry" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Commercial implement of husbandry." [A self-propelled vehicle used commercially to apply nutrients, soil amendments or chemicals for production agriculture and operated or moved upon highways for not more than 180 days in a calendar year.] *An implement of husbandry that:*

(1) *Is a self-propelled vehicle.*

(2) *Is used commercially.*

(3) *Is operated or moved upon highways for not more than 180 days in a calendar year.*

The term also includes any other vehicle determined by the department to be a commercial implement of husbandry.

* * *

"Farm equipment." [A vehicle designed or used exclusively for agricultural operations and only incidentally operated or moved upon highways, including, but not limited to, farm tractors, choppers and balers.] *A vehicle that is specifically designed and manufactured for and used exclusively in agriculture to plant, seed, cultivate, harvest or apply soil nutrients, fertilizers or chemicals. The term also includes any other vehicle determined by the department to be farm equipment.*

* * *

"Implement of husbandry." [A vehicle designed or adapted and determined by the department to be used exclusively for agricultural

operations and infrequently operated or moved upon highways.] *Farm equipment that meets all of the following criteria:*

- (1) *Is equipped with pneumatic tires except if prohibited by religious beliefs.*
- (2) *Is infrequently operated or moved upon highways.*
- (3) *Is used in agriculture for any of the following purposes:*
 - (i) *performance of agriculture production or harvesting activities for the farmer's agricultural operations; or*
 - (ii) *transportation of agricultural products or agricultural supplies for the benefit of the farmer's agricultural operations.*

The term also includes earthmoving equipment and any other vehicle determined by the department to be an implement of husbandry.

* * *

Section 2. Sections 1138(a), 3709(d) introductory paragraph and (1) and 4703(b) of Title 75 are amended to read:

§ 1138. Duration of lien recorded on certificate of title.

(a) General rule.—A security interest recorded on a certificate of title is effective for a period of [15] 30 years in the case of a mobile home or emergency vehicle, eight years in the case of a truck tractor or trailer weighing in excess of 10,000 pounds and six years in all other cases dating from the time of perfection as provided for in this subchapter.

* * *

§ 3709. Depositing waste and other material on highway, property or waters.

* * *

(d) Penalty.—Any person violating any of the provisions of subsection (a) or (b) [is guilty of] *commits* a summary offense and shall, upon conviction, be sentenced to either or both of the following:

- (1) To pay a fine of not more than [\$300.]:
 - (i) *\$900 for a violation which occurs in an easement purchased under the program established by section 14.1 of the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law;*
 - (ii) *\$600 for a violation which occurs in an agricultural security area as defined in section 3 of the Agricultural Area Security Law;*
 - or
 - (iii) *\$300 for a violation which occurs anywhere else.*

* * *

§ 4703. Operation of vehicle without official certificate of inspection.

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(b) Exceptions.—Subsection (a) does not apply to:

- (1) Special mobile equipment.
- (2) Implements of husbandry.
 - (2.1) *Registered commercial implement of husbandry with an implement of husbandry body type.*

(3) Motor vehicles being towed.

(4) Motor vehicles being operated or trailers being towed by an official inspection station owner or employee for the purpose of inspection.

(5) Trailers having a registered gross weight of 3,000 pounds or less.

(6) Motorized pedalcycles.

(7) Vehicles being repossessed by a [financer] *financier* or collector-repossessor [through the use of] *business or vehicles enroute to a wholesale vehicle auction by a transporter business using the appropriate* miscellaneous motor vehicle business registration plates.

(8) New vehicles while they are in the process of manufacture, including testing, and not in transit from the manufacturer to a purchaser or dealer.

(9) Any military vehicle used for training by a private, nonprofit, tax exempt military educational institution when such vehicle does not travel on public roads in excess of one mile and the property on both sides of the public road is owned by the institution.

(10) A motor vehicle registered as an antique pursuant to section 1340 (relating to antique, classic and collectible plates).

(11) A motor vehicle being operated by the vehicle owner while enroute to an inspection station where an appointment for inspection has been scheduled, provided that such operation occurs no later than ten days after the expiration of a valid certificate of inspection issued under this chapter.

(13) New vehicles in the possession of a second-stage manufacturer which are in transit:

(i) from a dealer or distributor for completion; or

(ii) to a dealer or distributor upon completion.

* * *

Section 3. Section 4901 of Title 75 is amended by adding a subsection to read:

§ 4901. Scope and application of chapter.

* * *

(d) Responsibility of local authorities.—Local authorities:

(1) that have adopted an ordinance under this chapter; or

(2) that establish or enforce size or weight limitations which differ from those provided for in this chapter;

have the burden and responsibility to properly administer, adhere to and enforce compliance with the requirements of this chapter and the regulations of the department. Failure of a local authority to properly administer, adhere to or enforce the substantive requirements of this chapter and the department's regulations shall subject the local authority to penalties set forth under section 4907 (relating to penalty for violation of chapter).

Section 4. Section 4902 of Title 75 is amended to read:

§ 4902. Restrictions on use of highways and bridges.

(a) Restrictions based on condition of highway or bridge.—The Commonwealth and local authorities with respect to highways and bridges under their jurisdictions may prohibit the operation of vehicles and may impose restrictions as to the weight or size of vehicles operated upon a highway or bridge [**whenever**] *only when they determine by conducting an engineering and traffic study as provided for in department regulations* that the highway or bridge may be damaged or destroyed unless use by vehicles is prohibited or the permissible size or weight of vehicles is reduced. School buses, emergency vehicles and vehicles making local deliveries or pickups may be exempted from restrictions on the use of highways imposed under this subsection.

(b) Restrictions based on traffic conditions.—The Commonwealth and local authorities with respect to highways and bridges under their jurisdictions may prohibit the operation of vehicles and may impose restrictions as to the weight or size of vehicles operated upon a highway or bridge whenever they determine that hazardous traffic conditions or other safety factors require such a prohibition or restriction. School buses, emergency vehicles and vehicles making local deliveries or pickups may be exempted from restrictions on the use of highways imposed under this subsection.

(c) Permits and security.—The Commonwealth and local authorities may issue permits for movement of vehicles of size and weight in excess of restrictions promulgated under subsections (a) and (b) with respect to highways and bridges under their jurisdiction and may require such undertaking or security as they deem necessary to cover the cost of repairs and restoration necessitated by the permitted movement of vehicles. *In reference to subsection (a), the Commonwealth and local authorities shall not refuse to issue a permit with respect to a highway under their jurisdiction if there is no reasonable alternate route available. For purposes of this section, “reasonable alternate route” shall mean a route meeting the criteria set forth in department regulations relating to traffic and engineering studies.*

(d) Designation of alternate routes.—

(1) In conjunction with the exercise of the powers set forth in subsections (a) and (b), the Commonwealth may designate alternate routes for vehicles in excess of specified weights or sizes. Such alternate routes may utilize portions of the Pennsylvania Turnpike.

(2) *In conjunction with the exercise of the powers set forth in subsection (c), when refusing to issue a permit with respect to a highway under their jurisdiction, the Commonwealth and local authorities may conduct or cause to be conducted an alternate route study. The elements of an engineering and traffic study conducted to designate an alternate route pursuant to this section shall consist of the same elements found in department regulations.*

(e) **Erection of signs.**—The Commonwealth and local authorities shall erect or cause to be erected and maintained restriction signs designating the restrictions within 25 feet of each end of a bridge or portion of highway restricted as provided in subsection (a) or (b). In the case of a restriction on a bridge or on a highway which does not begin or end at an intersection with an unrestricted highway, the Commonwealth or local authorities shall also place an advance informational sign at the intersection nearest each end of the restricted bridge or portion of highway which would allow drivers to avoid the restricted bridge or portion of highway. No person shall be convicted of violating subsection (a) or (b) unless the restriction sign designating the restricted bridge or portion of highway to traffic moving in the direction the person was driving was posted as required in this subsection. However, failure to post the restriction sign designating the restricted bridge or portion of highway to traffic moving in the opposite direction or failure to post any advance informational sign shall not constitute a defense to a violation of this section.

(f) **Actions to be in accordance with department regulations.**—All actions taken under authority of this section shall be taken in accordance with department regulations.

(f.1) Local ordinances superseded.—*Notwithstanding any other provision of law, local authorities are prohibited from enacting or enforcing ordinances inconsistent with the provisions contained in this section.*

(g) **Penalty.**—

(1) Any person operating a vehicle or combination upon a highway or bridge in violation of a prohibition or restriction imposed under subsection (a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75, except that any person convicted of operating a vehicle with a gross weight in excess of a posted weight shall, upon conviction, be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.

(2) Any person operating a vehicle or combination in violation of a prohibition or restriction imposed under subsection (b) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$25 and not more than \$100.

Section 5. Section 4907 of Title 75 is amended by adding a subsection to read:

§ 4907. Penalty for violation of chapter.

* * *

(e) Failure to properly administer, adhere to and enforce the requirements of this chapter.—*When it is determined in a summary proceeding that a local authority has failed to comply with any of the requirements of this chapter or the department's concomitant regulations, the following shall occur:*

(1) The local authority shall be liable for the costs for scheduling and conducting the proceeding and for the reasonable costs incurred to respond to and defend against the charges. The costs shall be assessed by the district justice and payable within 30 days of assessment.

(2) The local authority shall forfeit any right of recovery for the cost of any repairs and restoration necessitated by the movement of vehicles upon highways or bridges.

Section 6. Section 4921(b) of Title 75 is amended to read:

§ 4921. Width of vehicles.

* * *

(b) Special vehicles.—

(1) Any implement of husbandry or vehicle loaded with vegetable produce or forage crops and not exceeding ten feet in width may be driven, hauled or towed between sunrise and sunset on highways other than freeways.

(2) Any implement of husbandry not exceeding 14 feet 6 inches in width may be driven, hauled or towed between sunrise and sunset on highways other than freeways [between]:

(i) [Parts] *Between parts* of one farm owned or operated by the owner of the implement of husbandry.

(ii) [Farms] *Between farms* owned or operated by the owner of the implement of husbandry located not more than 50 miles apart.

(iii) *Between:*

(A) [Farms] *farms*; or

(B) a farm *owned or operated by a farmer* and a place of business of a mechanic or dealer in implements of husbandry; located not more than [100] 150 miles away for the purpose of buying, selling, trading, loaning and leasing, demonstrating, repairing or servicing the implement of husbandry.

(3) Special mobile equipment not exceeding nine feet two inches in width may be driven, hauled or towed between sunrise and sunset on highways other than freeways.

(4) The department may regulate the operation of special vehicles subject to this subsection which regulations may prohibit the operation of special vehicles on certain days or during certain hours.

(5) An implement of husbandry or vehicle used exclusively for highly perishable crops for processing and not exceeding 14 feet 6 inches in width may be operated on highways other than freeways between sunset and sunrise only during the period of May 20 to October 15. The implement or vehicle, when used at this time, shall have two rotating yellow beacons and vehicular hazard signal lamps operating.

(6) Commercial implements of husbandry not exceeding 12 feet in width, including wheels and tires, may be driven, hauled or towed between sunrise and sunset on highways other than freeways.

* * *

Section 7. Section 9017 of Title 75 is amended by adding a subsection to read:

§ 9017. Refunds.

* * *

(e.2) Agricultural power takeoff.—A person shall be reimbursed the full amount of the tax imposed by this chapter if the person uses or buys liquid fuels or fuels on which the tax imposed by this chapter has been paid and consumes them to load for delivery or to unload at a farm feed, feed products, lime or limestone products for agricultural use from a vehicle by means of a power takeoff, provided the fuel usage is documented only by an electronic monitoring device used in conjunction with an electronically controlled engine. Reimbursements shall be documented only as provided in this subsection, and no reimbursement shall be based upon any form of alternative documentation. Claims for reimbursement shall be filed with the department on a quarterly basis and must be filed within 60 days following the end of the quarter for which reimbursement is being claimed. The provisions of subsection (f) except for the filing fee provision shall apply to claims for reimbursement under this subsection to the extent they are not inconsistent with this subsection.

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Section 8. The addition of 75 Pa.C.S. § 9017(e.2) shall apply to liquid fuels and fuels consumed on or after the first day of the first full calendar quarter following the effective date of this act.

Section 9. This act shall take effect as follows:

- (1) The amendment of 75 Pa.C.S. § 1138(a) shall take effect in 120 days.
- (2) This section shall take effect immediately.
- (3) The remainder of this act shall take effect in 60 days.

APPROVED—The 22nd day of June, A.D. 2001.

THOMAS J. RIDGE