

No. 77

AN ACT

HB 786

Amending the act of August 12, 1971 (P.L.299, No.75), entitled "An act regulating snowmobiles, providing for registrations and fees, and providing penalties," changing the fees, registration requirements, safety requirements, further providing for operation of snowmobiles and providing for the disposition of fees and penalties.

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

Section 1. Sections 2, 3, 13, 14, 15, and subsection (b) of section 18, act of August 12, 1971 (P.L.299, No.75), entitled "An act regulating snowmobiles, providing for registrations and fees, and providing penalties," are amended to read:

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)] ten dollars (\$10) for two years** for each individual resident registration.

(2) A fee of **[five dollars (\$5)] ten dollars (\$10) for two years** for each individual nonresident registration.

(3) A fee of twenty-five dollars (\$25) **annually** for each dealer registration.

(4) A fee of one dollar (\$1) for replacement of **[loss] lost**, mutilated or destroyed certificate **or decal**.

(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,] a decal showing the expiration date** shall be issued to the applicant. **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. The decals and the permanent registration number 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.

Temporary registration for a period not to exceed forty-five days may be issued by a registered dealer, pursuant to rules and regulations promulgated by the department.

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] *the permanent or temporary registration number and a valid 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 13. Brakes.—It shall be unlawful to operate a snowmobile which is not equipped with at least one brake *of a design approved by the secretary* operated either by hand or by foot, capable of bringing the snowmobile to a stop, under normal conditions, within ~~[fifty]~~ *forty* 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.]~~ *or locking its traction belt or belts.* 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. *The sound intensity produced by a snowmobile shall not exceed 82 dbA when measured in accordance with SAE Recommended Practice J192 Exterior Sound Level for Snowmobiles, as amended. The secretary may by regulation adopt more stringent noise requirements. It shall be unlawful to modify a muffler or to operate a snowmobile with a modified muffler.* 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.

(5) *On State-owned property, except on clearly marked and previously designated snowmobile routes. The secretary shall have the authority to designate any road within a State Park or State Forest over which the department has jurisdiction as a snowmobile road and may in his discretion, determine whether such road shall be closed to vehicular traffic or whether snowmobiles may share this designated road with vehicular traffic: Provided, That adequate notices are sufficiently and prominently displayed.*

Section 18. Disposition of Fees and Penalties.—* * *

(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]** *in a restricted receipts fund, from which the department shall draw moneys for use in carrying out the registration, safety education, and enforcement requirements of this act as well as establishment construction and maintenance of trails and any equipment and supplies necessary to carry out the purposes of this act. Said restricted receipts fund shall be audited two years from the effective date of this act and at two-year intervals thereafter with any residue appearing in said fund at the end of each auditing period to be deposited in the General Fund.*

Section 2. Subsection (f) of section 16 and section 19 of the act are repealed.

Section 3. This act shall take effect immediately.

APPROVED—The 3rd day of October, A. D. 1973.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 77.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style.

Secretary of the Commonwealth.