

No. 2005-50

AN ACT

HB 489

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "emergency vehicle"; further providing for application for certificate of title, for transfer of ownership of vehicle and for application for certificate of title by agent; providing for certain veterans plates; further providing for suspension of registration of unapproved carriers and for surrender of registration plates and cards upon suspension of revocation; providing for suspension of registration plates upon sixth unpaid parking violation in cities of the first class and for motor vehicle liability insurance for motorcycle marshals; and further providing for reinstatement of operating privilege or vehicle registration, for automated red light enforcement systems in first class cities, for operation of vehicle without official certificate of inspection, for conditions of permits and security for damages, for permit for movement of containerized cargo, for impoundment of certain vehicles and combinations for nonpayment of fines, for immobilization, towing and storage of vehicle for driving without operating privilege or registration, for disposition of impounded vehicles, combinations and loads, for prohibitions on ATV operation by persons under age 16 and for refunds of tax imposed upon liquid fuels or certain other fuels.

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

Section 1. The definition of "emergency vehicle" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes is 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:

* * *

"Emergency vehicle." A fire department vehicle, police vehicle, sheriff vehicle, ambulance, blood delivery vehicle, human organ delivery vehicle, hazardous material response vehicle, armed forces emergency vehicle, one vehicle operated by a coroner or chief county medical examiner and one vehicle operated by a chief deputy coroner or deputy chief county medical examiner used for answering emergency calls, *any vehicle owned and operated by the Philadelphia Parking Authority established in accordance with 53 Pa.C.S. Ch. 55 (relating to parking authorities) and used in the enforcement of 53 Pa.C.S. Ch. 57 (relating to taxicabs and limousines in first class cities)*, or any other vehicle designated by the State Police under section 6106 (relating to designation of emergency vehicles by Pennsylvania State Police), or a privately owned vehicle used in answering an emergency call when used by any of the following:

- (1) A police chief and assistant chief.

- (2) A fire chief, assistant chief and, when a fire company has three or more fire vehicles, a second or third assistant chief.
- (3) A fire police captain and fire police lieutenant.
- (4) An ambulance corps commander and assistant commander.
- (5) A river rescue commander and assistant commander.
- (6) A county emergency management coordinator.
- (7) A fire marshal.
- (8) A rescue service chief and assistant chief.

* * *

Section 2. Sections 1103.1(g.1), 1111(a) and 1119(a) and (b) of Title 75 are amended to read:

§ 1103.1. Application for certificate of title.

* * *

(g.1) Verification.—In lieu of notarization of any document required to be submitted with the application for certificate of title, the department shall accept the verification of a person's signature by *a wholesale vehicle auction licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons or its employee, or an issuing agent[,]* who is licensed as a vehicle dealer by the State Board of Vehicle Manufacturers, Dealers and Salespersons, or its employee. The *[issuing agent's]* name and identification number and the signature of the issuing agent or *[its] wholesale vehicle auction or respective* employee shall be written in the space reserved for a notarization or verification. If an issuing agent or *[its] wholesale vehicle auction or respective* employee falsely verifies a person's signature, the department shall suspend the issuing agent's *or wholesale vehicle auction's* authority to issue temporary registration plates and cards for not less than 30 days. When verification is used in lieu of notarization, the issuing agent or its employee shall verify a person's identity by using at least one form of government-issued photo identification. A copy of the form of identification used shall be maintained by the issuing agent for a period of three years from the date of the verification.

* * *

§ 1111. Transfer of ownership of vehicle.

(a) Duty of transferor.—In the event of the sale or transfer of the ownership of a vehicle within this Commonwealth, the owner shall execute an assignment and warranty of title to the transferee in the space provided on the certificate or as the department prescribes, sworn to before a notary public or other officer empowered to administer oaths or verified by *a wholesale vehicle auction licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons, or its employee, or an issuing agent[,]* who is licensed as a vehicle dealer by the State Board of Vehicle Manufacturers, Dealers and Salespersons, or its employee, and deliver the certificate to the transferee at the time of the delivery of the vehicle.

* * *

§ 1119. Application for certificate of title by agent.

(a) Authorization to make application.—

(1) Except as provided in paragraph (2), no person shall make application for a certificate of title when acting for another person unless authorization to make the application is in effect and is verified by oath or affirmation of the other person, made not more than 90 days before the application is received by the department.

(2) The 90-day provision contained in paragraph (1) shall not apply to:

(i) Fleet owners who are lessees of vehicles.

(ii) *A wholesale vehicle auction licensed pursuant to the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act.*

(iii) Blanket powers of attorney issued for general purposes not limited to the sale, purchase or transfer of vehicles.

(b) Certificate not to be assigned in blank.—No person shall make application for, or assign or physically possess, a certificate of title, or direct or allow another person in his employ or control to make application for, or assign or physically possess, a certificate of title, unless the name of the transferee is placed on the assignment of certificate of title simultaneously with the name of the transferor and duly notarized. *Wholesale vehicle auctions and vehicle dealers licensed pursuant to the Board of Vehicles Act are exempt from the limitations of this subsection with respect to certificates of title for vehicles that are entrusted to the licensed wholesale vehicle auction for sale or transfer.*

* * *

Section 3. Title 75 is amended by adding sections to read:

§ 1362. Operation Iraqi Freedom veterans plate.

Upon application of any person who is a veteran of the liberation or occupation of Iraq, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of Operation Iraqi Freedom.

§ 1363. Operation Enduring Freedom veterans plate.

Upon application of any person who is a veteran of the liberation or occupation of Afghanistan, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by documentation as the department shall require, the department shall issue to the person a special registration plate designating the vehicle so licensed as belonging to a person who is a veteran of Operation Enduring Freedom.

§ 1364. Special plates for veterans.

Upon application of any person who is an honorably discharged veteran of the armed forces of the United States or a reserve component of the armed forces as defined in 51 Pa.C.S. § 7301 (relating to definitions), 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, the department shall issue to the person a special registration plate designating the vehicle as belonging to a person who is a veteran of the armed forces of the United States.

Section 4. Sections 1375(a) and 1376(b.1) of Title 75 are amended to read:

§ 1375. Suspension of registration of unapproved carriers.

(a) General rule.—The department shall suspend the registration of any vehicle upon the presentation to the department of a certificate of the Pennsylvania Public Utility Commission *or notice of the Philadelphia Parking Authority* setting forth, after hearing and investigation, that the commission *or the Philadelphia Parking Authority* has found and determined that the vehicle has been operated as a common carrier or contract carrier by motor vehicle within this Commonwealth without the approval of the commission *or the Philadelphia Parking Authority* and either that no appeal was filed from such determination in the manner and within the time provided by law or that the determination was affirmed on appeal.

* * *

§ 1376. Surrender of registration plates and cards upon suspension or revocation.

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(b.1) Immediate seizure of registration plates and cards.—The department may delegate authority to the persons described in this section to immediately seize registration plates and cards upon imposition of the following:

(1) a suspension imposed pursuant to section 1374(d)(3) or (4) (relating to suspension or revocation of vehicle business registration plates) until all fees, taxes and penalties have been paid;

(2) a suspension or revocation imposed pursuant to section 1373(b)(3) (relating to suspension of registration) or 1374(g); [or]

(3) a suspension or revocation is reinstated after determination of a matter as provided in section 1377 (relating to judicial review)[.]; or

(4) *a suspension imposed pursuant to section 1379 (relating to suspension of registration upon sixth unpaid parking violation in cities of the first class) until all fines, penalties and costs have been paid.*

* * *

Section 5. Title 75 is amended by adding sections to read:

§ 1379. *Suspension of registration upon sixth unpaid parking violation in cities of the first class.*

(a) *Suspension of registration.—The department shall suspend the registration of a vehicle upon the notification from the parking authority that the owner or registrant of the vehicle has failed to respond, failed to pay or defaulted in the payment of six or more tickets or citations issued for parking violations in cities of the first class.*

(b) Notice to the department.—No sooner than 30 days after mailing the notice provided under subsection (b.1), the parking authority shall notify the department electronically in a format prescribed by the department whenever an owner or registrant fails to respond, fails to pay or defaults in payment of six or more tickets or citations issued for parking violations. When a notice has been provided under this subsection and all of the tickets and citations are subsequently paid, dismissed, reversed on appeal or canceled, the parking authority shall notify the department electronically in a format prescribed by the department of the disposition of the tickets and shall provide the owner or registrant with a release from the suspension.

(b.1) Notice by the parking authority.—Prior to notifying the department under subsection (b), the parking authority shall provide the owner or registrant written notice by certified mail, return receipt requested, of its intent to seek suspension of the vehicle registration pursuant to this section.

(c) Period of suspension.—A suspension under subsection (a) shall continue until the department receives notice from the parking authority that all of the tickets and citations are paid, dismissed, reversed on appeal or canceled or the defendant enters into an agreement to make installment payments for the fines and penalties imposed, provided that the suspension may be reimposed by the department if the defendant fails to make regular installment payments and pays the fee prescribed in section 1960 (relating to reinstatement of operating privilege or vehicle registration).

(d) Additional suspension.—The department shall impose an additional period of registration suspension if, subsequent to the issuance of a suspension under subsection (a) but prior to the restoration of the registration, the department is notified by the parking authority that the owner or registrant has failed to respond, failed to pay or defaulted in the payment of an additional ticket or citation issued for a parking violation.

(e) Three-year limitation.—No suspension may be imposed based upon a parking violation more than three years after the commission of the violation.

(f) Definition.—As used in this section, the term “parking authority” means a parking authority in a city of the first class known as the Philadelphia Parking Authority.

§ 1791.2. Motorcycle marshals.

A motorcycle driver when operating a motorcycle to guide, usher or otherwise ensure the safety of participants in a bicycle race is neither competing nor participating in the bicycle race for purposes of this chapter.

Section 6. Sections 1960, 3116(d) and (j) and 4703(b) of Title 75 are amended to read:

§ 1960. Reinstatement of operating privilege or vehicle registration.

The department shall charge a fee of \$25 or, if section 1379 (*relating to suspension of registration upon sixth unpaid parking violation in cities of the first class*) or 1786(d) (*relating to required financial responsibility*) applies, a fee of \$50 to restore a person's operating privilege or the registration of a vehicle following a suspension or revocation.

§ 3116. Automated red light enforcement systems in first class cities.

* * *

(d) Penalty.—

(1) The penalty for a violation under subsection (a) shall be a fine of \$100 unless a lesser amount is set by ordinance.

(2) A fine is not authorized for a violation of this section if any of the following apply:

(i) The intersection is being manually controlled.

(ii) The signal is in the mode described in section 3114 (*relating to flashing signals*).

(3) A fine is not authorized during **[the]**:

(i) *The first 120 days of operation of the automated system[. During the time period under this paragraph, a] at the initial intersection.*

(ii) *The first 60 days for each additional intersection selected for the automated system.*

(3.1) *A warning may be sent to the violator under paragraph (3).*

(4) A penalty imposed under this section shall not be deemed a criminal conviction and shall not be made part of the operating record under section 1535 (*relating to schedule of convictions and points*) of the individual upon whom the penalty is imposed, nor may the imposition of the penalty be subject to merit rating for insurance purposes.

(5) No surcharge points may be imposed in the provision of motor vehicle insurance coverage. Fines collected under this section shall not be subject to 42 Pa.C.S. § 3571 (*relating to Commonwealth portion of fines, etc.*) or 3573 (*relating to municipal corporation portion of fines, etc.*).

* * *

(j) Notice to owner.—In the case of a violation involving a motor vehicle registered under the laws of this Commonwealth, the notice of violation must be mailed within **[14 days of the violation, exclusive of Sundays and holidays,] 30 days after the commission of the violation or within 30 days after the discovery of the identity of the registered owner, whichever is later, and not thereafter** to the address of the registered owner as listed in the records of the department. In the case of motor vehicles registered in jurisdictions other than this Commonwealth, the notice of violation must be mailed within **[21 days of the violation, exclusive of Sundays and holidays,] 30 days after the discovery of the identity of the registered owner, whichever is later, and not thereafter** to the address of the registered owner as listed in the records of the official in the jurisdiction having charge of the registration of the vehicle. *A notice of violation under this section*

must be provided to an owner within 90 days of the commission of the offense.

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§ 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.
 - (5.1) *A trailer or semitrailer with a gross weight or gross vehicle weight rating of greater than 17,000 pounds displaying a currently valid Federal certificate of inspection.*
- (6) Motorized pedalcycles.
- (7) Vehicles being repossessed by a financier or collector-repossessor 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 7. Section 4962 of Title 75 is amended by adding a subsection to read:

§ 4962. Conditions of permits and security for damages.

* * *

(f.2) Vehicles greater than 13 feet but less than 14 feet in body width shall only be required to maintain one pilot car. The position of the pilot car to the front or rear of the permitted vehicle may be determined by the department.

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Section 8. Section 4974 of Title 75 is amended to read:
§ 4974. Permit for movement of containerized cargo.

(a) General rule.—An annual permit may be issued authorizing the movement on highways of containerized cargo which exceeds the maximum vehicle gross or maximum axle weights specified in Subchapter C (relating to maximum weights of vehicles). [The] Except as set forth in subsection (b), the weight of any combination permitted under this section shall not exceed 90,000 pounds overall gross weight and 21,000 pounds on any axle. A brake retarder is not required on a combination permitted under this section while the combination is operated within the counties [which comprise the district of a port of a city of the first class.] of Bucks, Chester, Delaware, Montgomery and Philadelphia. A vehicle operating under a permit authorized under this section may be driven 24 hours a day, seven days a week, except on holidays and in inclement weather.

(b) Refrigerated meat products.—An annual permit may be issued authorizing the movement on specified highways of containerized cargo consisting of refrigerated meat products which exceeds the maximum vehicle gross weight or maximum axle weights specified in Subchapter C, subject to the following conditions:

(1) The vehicle must be a six-axle combination - three-axle truck tractor.

(2) Gross vehicular weight must not exceed 107,500 pounds.

(3) Maximum weight on any axle must not exceed 21,000 pounds.

(4) Specified highways and routes may only be permitted in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia.

(5) Travel is authorized 24 hours a day, seven days a week, except on holidays and in inclement weather.

Section 9. Sections 6309(a), (c), (e)(2) and (f), 6309.1(d) and (f)(2), 6309.2(a), (c)(2) and (d) and 6310(e) of Title 75 are amended to read:

§ 6309. Impoundment for nonpayment of fines; vehicles or combinations with a gross vehicle weight rating of 17,001 pounds or more.

(a) General rule.—Upon imposition of a fine in excess of \$250 imposed pursuant to section 1301 (relating to registration and certificate of title required), 1371 (relating to operation following suspension of registration), 4107(b) (relating to unlawful activities) or Chapter 49 (relating to size, weight and load), the defendant shall be allowed 24 hours either to obtain the funds and pay the fine and costs of prosecution or to make arrangements with the issuing authority to pay in installments as provided by the Pennsylvania Rules of Criminal Procedure, during which time the defendant's vehicle or

combination shall be rendered temporarily inoperable by such police officer, sheriff or constable as the issuing authority shall designate[.] *or, in the interest of public safety, such police officer, sheriff or constable shall direct that the vehicle or combination be towed and stored by the appropriate towing and storage agent with prompt notice to the issuing authority.* If the defendant neither makes payment nor makes arrangements for payment within the 24-hour period or defaults on such payment, the issuing authority may issue an impoundment order and direct enforcement of the order by a police officer, constable or [an impoundment official as authorized by the issuing authority] *the appropriate towing and storage agent.* In cities of the first class, the issuing authority shall direct enforcement of the impoundment order by the Philadelphia Parking Authority.

* * *

(c) Notice of impoundment.—[The] *Except in cities of the first class, the appropriate law enforcement officer shall give immediate notice by the most expeditious means and by certified mail, return receipt requested, of the impoundment and location of the vehicle or combination to the owner of the vehicle or combination and the owner of the load and any lienholders if the names and addresses of the owner and any lienholder are known or can be ascertained by investigation.* In cities of the first class, the Philadelphia Parking Authority shall give immediate notice by [the most expeditious means and by] first class mail, proof of [service] *mailing*, of the impoundment and location of the vehicle or combination to the owner *and the lienholder* of the vehicle or combination [and the owner of the load and any lienholders if the names and addresses of the owner and any lienholder are known or can be ascertained by investigation] *using reasonably available State databases.*

* * *

(e) Recovery of impounded vehicle.—

* * *

(2) Any vehicle or combination not recovered under this subsection may be sold as an unclaimed vehicle, combination or load under section 6310 (relating to disposition of impounded vehicles, combinations and loads) [or the applicable local ordinance].

[(f) Definition.—As used in this section, the term “costs” shall include reasonable fees.]

(f) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Appropriate towing and storage agent.” *Either of the following:*

(1) *In cities of the first class, the Philadelphia Parking Authority or its authorized agent.*

(2) *In municipalities other than cities of the first class, a towing and storage agent designated by local ordinance.*

“Costs.” *The term shall include reasonable fees.*

§ 6309.1. Impoundment for nonpayment of fines; vehicles or combinations with a gross vehicle weight rating of 17,000 pounds or less.

* * *

(d) Notice of impoundment.—~~[The]~~ *Except in cities of the first class, the* appropriate law enforcement officer shall give immediate notice by the most expeditious means and by certified mail, return receipt requested, of the impoundment and location of the vehicle or combination to the owner of the vehicle or combination and any lienholder and, if applicable, any owner of the load, if the names and addresses of the owner and any lienholder are known or can be ascertained by investigation. In cities of the first class, the Philadelphia Parking Authority shall give immediate notice by ~~[the most expeditious means and by]~~ first class mail, proof of ~~[service]~~ *mailing*, of the impoundment and location of the vehicle or combination to the owner *and the lienholder* of the vehicle or combination ~~[and any lienholder and, if applicable, the owner of the load, if the names and addresses of the owner and any lienholder are known or can be ascertained by investigation]~~ *using reasonably available State databases.*

* * *

(f) Recovery of impounded vehicle.—

* * *

(2) Any vehicle or combination not recovered under this subsection may be sold as an unclaimed vehicle, combination or load under section 6310 (relating to disposition of impounded vehicles, combinations and loads) ~~[or the applicable local ordinance]~~.

§ 6309.2. Immobilization, towing and storage of vehicle for driving without operating privileges or registration.

(a) General rule.—Subject to subsection (d), the following shall apply:

(1) If a person operates a motor vehicle or combination on a highway or trafficway of this Commonwealth while the person's operating privilege is suspended, revoked, canceled, recalled or disqualified or where the person is unlicensed, as verified by an appropriate law enforcement officer in cooperation with the department, the law enforcement officer shall immobilize the vehicle *or combination or, in the interest of public safety, direct that the vehicle be towed and stored by the appropriate towing and storage agent pursuant to subsection (c)*, and the appropriate judicial authority shall be so notified.

(2) If a motor vehicle or combination for which there is no valid registration or for which the registration is suspended ~~[for failing to maintain financial responsibility]~~, as verified by an appropriate law enforcement officer, is operated on a highway or trafficway of this Commonwealth, ~~[the motor vehicle or combination shall be immobilized by]~~ the law enforcement ~~[authority]~~ *officer shall immobilize the motor vehicle or combination or, in the interest of public safety, direct that the vehicle be towed and stored by the appropriate*

towing and storing agent pursuant to subsection (c), and the appropriate judicial authority shall be so notified.

* * *

(c) Procedure upon towing and storage.—

* * *

(2) In a city of the first class, the following steps shall be taken:

(i) The appropriate judicial authority *or appropriate law enforcement officer* shall notify the appropriate towing and storage agent.

(ii) The appropriate towing and storage agent shall tow and store the vehicle or combination and provide notice [by the most expeditious means and] by first class mail, proof of [service] *mailing*, of the towing, storage and location of the vehicle or combination to the owner *and the lienholder* of the vehicle or combination [and any lienholder and, if applicable, the holder of record owner of the load, if the names and addresses of the owner and any lienholder are known or can be ascertained by investigation] *using a reasonably available State database*.

(d) Recovery of towed and stored vehicle.—

(1) The owner *or lienholder* of any vehicle or combination which has been towed and stored under this section may obtain possession of the vehicle or combination by:

(i) furnishing proof of valid registration and financial responsibility; and

(ii) paying all fines and costs associated with the towing and storage of the vehicle or making arrangements with the appropriate judicial authority to make payments of all fines and costs by installments as provided by the Pennsylvania Rules of Criminal Procedure.]

(ii) (A) if the towing and storage resulted from the operation of the vehicle or combination by the owner, paying all fines and costs associated with the towing and storage of the vehicle or combination and any other than outstanding fines and costs of the owner or making arrangements with the appropriate judicial authority to make payments of all other outstanding fines and costs immediately or, in the discretion of the appropriate judicial authority, by installments as provided by the Pennsylvania Rules of Criminal Procedures; or

(B) if the towing and storage resulted from the operation of the vehicle or combination by a party other than the owner, paying all costs associated with the towing and storage of the vehicle or combination and fines associated with citations issued by the law enforcement officer related to the towing and storage and any other outstanding fines and costs of the owner or making arrangements with the appropriate judicial authority to make

payments of all such fines and costs or, in the discretion of the appropriate judicial authority, by installments as provided by the Pennsylvania Rules of Criminal Procedure.

(1.1) In cities of the first class, the appropriate judicial authority shall not issue an order for the release of any vehicle towed and stored pursuant to this section until provisions are made for payment of all fines and penalties associated with violations of any local parking regulation or ordinance or applicable section of this chapter or Chapter 61 (relating to powers of department and local authorities).

(2) Any vehicle not recovered under this subsection may be sold as an unclaimed vehicle, combination or load under section 6310 (relating to disposition of impounded vehicles, combinations and loads) [or the applicable local ordinance]. The proceeds of the sale shall be applied to the payment of the fines and costs associated with the towing and storage of the vehicle.

§ 6310. Disposition of impounded vehicles, combinations and loads.

(e) Disposition of proceeds of sale in cities of the first class.—The proceeds of sale shall first be applied to the payment of all fines and costs and [secondly to the payment of the encumbrances. The balance, if any shall be remitted to the owner.] *then to the owner or lienholder, whichever is the first to appear. If not claimed within one year, any remaining proceeds shall be forfeited to the appropriate towing and storage agent for purposes of funding its costs associated with this chapter.*

Section 10. Sections 7725(b) and (c) and 9017(d) of Title 75 are amended and the sections are amended by adding subsections to read:

§ 7725. Operation by persons under age sixteen.

(b) Operation by persons under [ten] *eight* years of age.—No person under [ten] *eight* years of age shall operate a snowmobile or ATV upon State-owned land.

(b.1) ATV size restrictions.—An ATV operated in this Commonwealth by a person eight or nine years of age shall have an engine size of 70cc or less.

(c) Snowmobile and ATV safety certification.—No person [10] *8* to 15 years of age shall operate a snowmobile or an ATV in this Commonwealth unless the person satisfies one of the following conditions:

(1) Is under the direct supervision of a certified snowmobile or ATV safety instructor during a safety training course.

(2) Is on land owned or leased by a parent or legal guardian.

(3) Has received safety training as prescribed by the department and has received the appropriate safety certificate issued by the department.

(4) Holds an appropriate safety certificate issued under the authority of another state or Province of Canada and recognized by the department.

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§ 9017. Refunds.

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[(d) Off-highway recreational vehicles.—

(1) When the tax imposed by this chapter has been paid on fuel used in off-highway recreational vehicles within this Commonwealth, an amount equal to the revenue generated by the tax, but not derived therefrom, may be appropriated through the General Fund to the Department of Conservation and Natural Resources. It is the intent of this chapter that all proceeds from the tax paid on fuel used in off-highway recreational vehicles within this Commonwealth be paid without diminution of the Motor License Fund.

(2) The Department of Conservation and Natural Resources shall biennially calculate the amount of liquid fuel consumed by off-highway recreational vehicles and furnish information relating to its calculations and data as may be required by the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives.

(3) The General Assembly shall review the fuel consumption calculations of the Department of Conservation and Natural Resources to determine the amount of liquid fuels tax paid on liquid fuels consumed in the propulsion of off-highway recreational vehicles in this Commonwealth and may annually appropriate to the Department of Conservation and Natural Resources the amount so determined.

(4) Money appropriated under paragraph (3) shall be used for the benefit of motorized and nonmotorized recreational trails by the Department of Conservation and Natural Resources as provided in the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, 105 Stat. 1914).]

(d.1) Motorized recreational vehicles.—

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

(2) In accordance with prescribed procedures, the Department of Conservation and Natural Resources shall biennially calculate the amount of liquid fuels consumed by motorized recreational vehicles and furnish such information relating to its calculations and data to the

Board of Finance and Revenue. The board shall review the petition and motorized recreational vehicle fuel consumption calculations of the Department of Conservation and Natural Resources to determine the full amount of taxes paid and shall certify to the State Treasurer to refund annually up to a maximum of \$1,000,000 of the full amount of such taxes to the restricted account established in section 7706.

(3) This money shall be used by the Department of Conservation and Natural Resources for the improvement of public roadways, highways and bridges of this Commonwealth, including roads and bridges bordering on this Commonwealth, that are also used by motorized recreational vehicles required to be registered under this title. For the purpose of this section, improvement includes, but is not limited to, grooming for snowmobile use and safety.

(4) For the purposes of this subsection, motorized recreational vehicles are snowmobiles, all-terrain vehicles, motorcycles and four-wheel-drive vehicles.

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Section 11. The Department of Transportation and the Philadelphia Parking Authority shall enter into an agreement to enforce the provisions of 75 Pa.C.S. § 1379.

Section 12. The Department of Transportation shall publish in the Pennsylvania Bulletin notice of the execution of the agreement required under section 11 of this act within 14 days of its execution.

Section 13. This act shall take effect as follows:

- (1) Sections 11 and 12 of this act shall take effect immediately.
- (2) This section shall take effect immediately.
- (3) The addition of 75 Pa.C.S. § 1379 shall take effect in nine months or 60 days after publication of notice in the Pennsylvania Bulletin required under section 12 of this act, whichever is earlier.
- (4) The addition of 75 Pa.C.S. § 1791.2 shall take effect immediately.
- (5) The amendment or addition of 75 Pa.C.S. § 9017(d) and (d.1) shall take effect July 1, 2005, or immediately, whichever occurs later.
- (6) The remainder of this act shall take effect in 60 days.

APPROVED—The 14th day of July, A.D. 2005.

EDWARD G. RENDELL