

PROPOSED RULEMAKING

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

[17 PA. CODE CH. 51]

Snowmobile and All-Terrain Vehicle Registration and Operation

The Department of Conservation and Natural Resources (Department), Bureaus of Forestry and Administrative Services, proposes to amend Chapter 51 (relating to snowmobile and all-terrain vehicle registration and operation).

Statutory Authority

These amendments are proposed under the authority in 75 Pa.C.S. § 7704 (relating to rules and regulations).

Background and Purpose

These proposed amendments implement recent amendments to 75 Pa.C.S. Chapter 77 (relating to snowmobile and all-terrain vehicles) and update several provisions concerning the registration of snowmobiles and all-terrain vehicles (ATVs) to bring these provisions into conformity with current Department practice. In addition, provisions are deleted that merely repeat provisions of 75 Pa.C.S. Chapter 77 and are not needed as regulations.

Summary of Amendments

The following sections are proposed to be deleted because they repeat provisions in 75 Pa.C.S. Chapter 77 and are therefore not needed as regulations:

- § 51.16 (relating to notification of sale or trade)
- § 51.21 (relating to display of temporary registration decals)
- § 51.31 (relating to dealer applications)
- § 51.33 (relating to transferability)
- § 51.41 (relating to individual cost for 2 years)
- § 51.43 (relating to dealer cost)
- § 51.44 (relating to replacement cost for lost, mutilated or destroyed certificates)
- § 51.46 (relating to transfer of registration)
- § 51.61 (relating to duty of those involved in an accident)
- § 51.62 (relating to accident report forms)
- § 51.71 (relating to limitations on usage)
- § 51.74 (relating to operation on non-Department State-owned lands)
- § 51.81 (relating to operation on designated roads)
- § 51.94 (relating to head lamp and tail lamp requirements)
- § 51.95 (relating to brake requirements)
- § 51.96 (relating to muffler requirements)

Section § 51.11 (relating to certificate of registration) is deleted. The first paragraph is deleted because it repeats provisions in 75 Pa.C.S. Chapter 77 and is not necessary. The numbered paragraphs are deleted because they no

longer reflect Department procedures. As provided in 75 Pa.C.S. Chapter 77, a registration is valid for 2 years. The 2-year period begins on the date the registration certificate is issued (validated) by the Department.

Section 51.12 (relating to applications), is amended by adding new heading "Applications for title and registration." This section is revised for clarification purposes and to implement changes in the law relating to security interests the classification of ATVs as either Class I or Class II, and the classification of registration as either "registration" or "limited registration."

Section 51.13 (relating to affixation of registration decals and numbers), is amended by adding new heading "Display of registration decals, registration plates and expiration stickers." This section is revised to implement changes in the law concerning terminology for, and placement on machines of, registration decals (snowmobiles), registration plates (ATVs), and expiration stickers (snowmobiles and ATVs).

Section 51.14 (relating to registration numbers destroyed or lost) is deleted because it is not necessary. Under 75 Pa.C.S. Chapter 77, it is unlawful to operate a snowmobile unless it displays registration decals.

Section 51.17 (relating to abandoned, stolen or destroyed snowmobiles or ATVs) is deleted because it is not a requirement under 75 Pa.C.S. Chapter 77.

Section 51.21 (relating to display of temporary registration decals) is deleted because the subject of temporary registration is covered in revised § 51.13.

Section 51.22 (relating to temporary registration certificates) is deleted. The issuance of temporary registration certificates by dealers is deleted because it is covered by 75 Pa.C.S. Chapter 77. The 5-day deadline for dealers to submit paperwork and the fee to the Department is deleted because it is inconsistent with 75 Pa.C.S. Chapter 77, which establishes a 15-day deadline. The revocation sanction for dealers who do not comply with this requirement is deleted because it is covered in 75 Pa.C.S. Chapter 77.

Section 51.32 (relating to display of registration plates) is revised to delete provisions that merely repeat provisions of 75 Pa.C.S. Chapter 77 and to specifically prescribe the manner of display of ATV dealer plates.

Section 51.34 (relating to expiration) is deleted because, although the May 31 expiration date does reflect current Department practice, it does not allow for future changes.

Section 51.35 (relating to sanctions for violations by dealers) is added to implement the amendments to 75 Pa.C.S. Chapter 77. The amendments subject dealers who fail to timely forward paperwork and fees to the Department to suspension or revocation of their registration.

Section 51.42 (relating to individual cost reduced) is deleted because it no longer reflects Department practice. Under current Department practice, every registration is valid for 2 full years from date of registration. Because registrations are no longer issued for only the second year of the 2-year registration period, there is no need for a reduction in the registration fee.

Section 51.45 (relating to cost of additional plates), is amended by adding a new heading "Fees for additional dealer plates," and revised to increase the cost of an

additional set of snowmobile dealer plates from \$3 to \$5 and the cost of an additional ATV dealer plate from \$6 to \$10.

Section 51.51 (relating to safety training) is amended. Subsection (a) is deleted because it repeats provisions of 75 Pa.C.S. Chapter 77. Because of the deletion of subsection (a), subsection (b) is reformatted and revised to permit organizations that have been approved by the Department to conduct training. It also incorporates the provision that is in current § 51.53 (relating to safety course content).

Section 51.52 (relating to age requirements for safety training) is deleted because the provision is covered in revised § 51.54 (b) (relating to issuance of safety certificates).

Section 51.53 is deleted because the provision is covered in revised § 51.51(2).

Section 51.54 is revised to include, in subsection (b), the provision in current § 51.52. The provisions in subsection (c) accepts safety certificates of nonresidents of this Commonwealth if the training was comparable to the Department's safety training program.

Section 51.72 (relating to operation in a safe manner), is amended by adding a new heading "Operation of ATV with a passenger." In this section, the provision that merely incorporates 75 Pa.C.S. § 7726(a) (relating to operation in a safe manner) is deleted. Since 75 Pa.C.S. § 7726(a) can be enforced directly, this provision is not needed in the regulations. The deleted language is replaced with a provision that deems the carrying of a passenger on an ATV to be a violation of 75 Pa.C.S. § 7726(a)(2) unless the ATV was originally designed to carry a passenger. Section 7726(a)(2) of 75 Pa.C.S. prohibits operating a snowmobile or ATV "in any careless way so as to endanger the person or property of another." It is generally recognized that carrying a passenger on an ATV that was not designed to carry a passenger is a reckless and dangerous practice. The addition of a passenger shifts the center of gravity higher and toward the back, causing instability that can result in the machine flipping over backwards. Manufacturers recognize the danger of riding double and most are now, in addition to including warnings in the owners' manual, attaching warning tags or stickers to ATVs or even stamping "no passengers" onto ATV seats.

Section 51.73 (relating to criteria for designation by Department) which lists the factors the Department considers before designating a road, trail or other area for snowmobile or ATV use is deleted because it is both duplicative of and less comprehensive than internal Department procedures.

Under the Bureau of Forestry's procedures for considering a project such as construction of a snowmobile or ATV trail, the district forester must consider the impact of the following items in preparing a project review: promotion of goals under the State Forest Resource Management Plan; erosion and sedimentation; water quality; air quality; water quantity; groundwater; soils; unique and unusual geologic features; aesthetic values; noise levels; archeological and historic sites; recreation sites and opportunities; public health and safety; transportation; energy needs/use; existing/potential land use; protected animal and plant species; habitat diversity and interspersions; biological productivity; other unique features; and the need for permits. The district forester's project review must assess whether the impact of each item is beneficial or adverse. If it is adverse, the review

must state the corrective measures that will be taken or justification why none will be taken. The State forester makes the final approval or disapproval of a project based on the project review.

Section 51.75 (relating to spark arrestors) is deleted because 75 Pa.C.S. Chapter 77 requires that an ATV muffler be in good working order and does not have a separate requirement concerning the spark arrestor. Because a muffler in good working order acts as a fully functional spark arrestor, there is no need for a separate requirement in the regulations concerning the functioning of a spark arrestor.

Section 51.76 (relating to operation during forest fire danger) is deleted because it is not needed. State Forest regulations in § 21.72 (relating to closure because of fire danger) provide for closure of State forest land to certain uses if the forest-fire danger rating is very high or extreme. Similarly, State parks regulations in § 11.8 (relating to schedule) allow for the curtailment by the Department of activities in State parks.

Section 51.91 (relating to snowmobile noise level requirements) is revised so that, in accordance with 75 Pa.C.S. Chapter 77, the operation, rather than the manufacture, of snowmobiles that exceed the sound decibel limits is prohibited.

Affected Persons

Owners, operators and dealers of snowmobiles and ATVs are affected by this proposed rulemaking. In addition, organizations that conduct snowmobile and ATV safety training are also affected.

Cost and Paperwork Requirements

The only costs to the general public resulting from this proposed rulemaking will be the minimal cost, if any, to ATV registrants of attaching a registration plate to their machine. The costs to the private sector will be the costs dealers would incur from a suspension or revocation of dealer registration plates due to failure to submit forms and fees to the Department as required by law. The costs to the Commonwealth will be negligible. There will be no costs to local governments.

This proposed rulemaking does not impose additional paperwork requirements.

Effective Date/Sunset Date

These proposed amendments will be effective upon publication of final-form rulemaking in the *Pennsylvania Bulletin*. Chapter 51 will thereafter be monitored by the Department to determine whether the regulations effectively accomplish their intended goals.

Contact Person

These proposed amendments are published on the Department's website at www.dcnr.state.pa.us/forestry. Written comments, suggestions or objections from interested persons will be accepted by the Department for 60 days after publication of these proposed amendments in the *Pennsylvania Bulletin*. The comments may be directed to William Slippey, Chief, Recreation Section, Operations and Recreation Division, Bureau of Forestry, DCNR, by mail at P. O. Box 8552, Harrisburg, PA 17105-8552; by fax at 717-783-5109; or by e-mail at forestrecreation@state.pa.us.

Alternative means of providing comments and alternative formats of the proposed amendments may be made available to persons with disabilities upon request by

contacting William Slippey at (717) 783-7941 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD).

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 26, 2002, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission and the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If the Commission has any objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Department, the Governor and the General Assembly to review these objections before final publication of the regulations.

JOHN C. OLIVER,
Secretary

Fiscal Note: 7B-5. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 17. CONSERVATION AND NATURAL RESOURCES

PART I. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Subpart E. OUTDOOR RECREATION

CHAPTER 51. SNOWMOBILE AND ALL-TERRAIN VEHICLE REGISTRATION AND OPERATION

GENERAL PROVISIONS

§ 51.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

[*Act—75 Pa.C.S. §§ 7701—7753 (relating to the Snowmobile and All-Terrain Vehicle Law).*]

ATV—[*All-terrain*] An all-terrain vehicle as defined in section 7702 of the Vehicle Code (relating to definitions).

Dealer—[*A person who sells snowmobiles or ATVs at wholesale or retail, including a manufacturer of snowmobiles or ATVs who sells at wholesale or retail.*] A dealer as defined in section 7702 of the Vehicle Code.

* * * * *

Snowmobile—A snowmobile as defined in section 7702 of the Vehicle Code.

Vehicle Code—Title 75 of the *Pennsylvania Consolidated Statutes* (relating to vehicles).

§ 51.2. [Scope] Authority.

This chapter is adopted [**in accordance with the duties placed on the Department by the act, and applies to a person who owns or operates a snowmobile or ATV or a dealer who sells snowmobiles or ATVs**] by the Department under section 7704 of the Vehicle Code (relating to rules and regulations) and applies to persons subject to Chapter 77 of the Vehicle Code (relating to snowmobiles and all-terrain vehicles).

REGISTRATION AND [DISPLAY OF NUMBERS—INDIVIDUAL] TITLING

§ 51.11. [Certificate of registration] (Reserved).

[**Application for snowmobile or ATV registration shall be made to the Department on prescribed forms. Upon payment of the fee required by law, a snowmobile or ATV registration certificate will be issued to the applicant. The snowmobile or ATV registration certificate shall be carried on the snowmobile or ATV at all times that the snowmobile or ATV is being operated. A decal showing the expiration date will be issued along with the registration certificate. The decal shall be affixed to the machine to the right of the permanent registration number. The registration periods for individual snowmobile or ATV registrations are as follows:**

(1) For a snowmobile owner whose last name begins with the letters A through L, the registration period is from December 1 of each odd-numbered year to November 30 of the following odd-numbered year.

(2) For a snowmobile owner whose last name begins with the letters M through Z, the registration period is from December 1 of each even-numbered year to November 30 of the following even-numbered year.

(3) The initial registration period for ATV owners begins March 10, 1986. For those governed by paragraph (4), the registration period ends on May 31, 1987. For those governed by paragraph (5), the registration period ends on May 31, 1988.

(4) For an ATV owner whose last name begins with the letter A through L, the registration period is June 1 of each odd-numbered year to May 31 of the following odd-numbered year.

(5) For an ATV owner whose last name begins with the letter M through Z, the registration period is from June 1 of each even-numbered year to May 31 of the following even-numbered year.]

§ 51.12. Applications for title and registration.

[**The application for a certificate of registration shall include the following:**

(1) Name, address, county and zip code of owner.

(2) Statement as to use, such as pleasure, commercial, rescue, rental or government.

(3) Description of vehicle to include make, model, year and manufacturer's serial number.

(4) The purchase price, registration fee paid, and whether the State Sales Tax has been paid or is due.

(5) A certification of ownership.

(6) Date of application.

(7) Class of ATV, if applicable.]

(a) *Contents of application.* An application for a certificate of title and registration shall include the following on a form furnished by the Department:

(1) The name, address and county of the residence of owner.

(2) The make, model, year, serial number of the vehicle.

(3) The date of purchase and the purchase price.

(4) A security interest, if applicable.

(5) A designation of whether the vehicle is a snowmobile, Class I ATV or Class II ATV under section 7702 of the Vehicle Code (relating to definitions).

(6) A designation of type of registration under section 7711.1 or section 7711.2 of the Vehicle Code (relating to registration of snowmobile or ATV; and limited registration of snowmobile or ATV).

(7) The amount of Sales Tax due, if any.

(8) The amount of applicable fees under section 7715.2 of the Vehicle Code (relating to fees).

(9) A temporary registration number, the date issued and the dealer registration number.

(b) *Proof of ownership; fees.* The following shall be included with a completed application form submitted to the Department:

(1) Proof of ownership of vehicle.

(2) Payment of applicable Sales Tax.

(3) Payment of applicable fees under section 7715.2 of the Vehicle Code.

§ 51.13. [Affixation of registration decals and numbers] Display of registration decals, registration plates and expiration stickers.

[The permanent registration number of the machine, shown on the registration certificate, shall be affixed as follows:

(1) *Snowmobiles.* The registration number shall be affixed forward of the handle bars on each side of the cowling, a minimum of 12 inches from the ground when the machine is resting on a smooth surface. The numbers shall be in block characters of good proportion, not less than 3 inches in height, and of a color which contrasts with the background, reflective and so maintained as to be clearly visible and legible.

(2) *Class I ATVs.* The permanent registration number and validation decal shall be affixed to the high point of the machine's left rear fender in a manner prescribed by the Department.

(3) *Class II ATVs.* The permanent registration number and validation decal shall be affixed to the left side of the machine at the midpoint, a minimum of 18 inches from the ground.]

(a) *Snowmobiles.*

(1) *Registration decals.* Two valid registration decals or valid temporary registration decals shall be affixed to the snowmobile forward of the handle bars, one on each side of the cowling, or one on the outside of each trailing edge of the windshield.

(2) *Expiration stickers.* Two valid expiration stickers shall be affixed to the snowmobile, each sticker to the immediate right of a registration decal. This requirement does not apply to snowmobiles with valid temporary registration decals or with limited registration.

(b) *ATVs.*

(1) *Registration plate.* A valid registration plate shall be displayed on the upper half of the rear of the ATV in the following manner:

(i) Securely attached. It is not a violation of this provision to attach the plate in such a manner that it can swing.

(ii) So that no part of the plate is in line with a tire.

(iii) So that the information on the plate, including any required stickers, is clearly visible from behind the ATV.

(2) *Temporary registration sticker.* For ATVs with temporary registration, a valid temporary registration sticker shall be affixed to a lower corner of the registration plate.

(3) *Expiration sticker.* A valid expiration sticker shall be affixed to a lower corner of the registration plate. This requirement does not apply to ATVs with a valid temporary registration sticker or with limited registration.

§ 51.14. [Registration numbers destroyed or lost] (Reserved).

[When snowmobile registration numbers are destroyed or lost, the snowmobile registration numbers assigned shall be promptly replaced and affixed as described in § 51.13 (relating to affixation of registration decals and numbers).]

§ 51.15. Replacement [registration certificate, decal or number] of registration certificates, limited registration certificates, registration decals, registration plates and expiration stickers.

A replacement of a registration certificate, limited registration certificate, registration decal, registration plate or [ATV registration number] expiration sticker will be issued upon application by the owner on [the prescribed] a form furnished by the Department and payment of the [amount] fee required [by statute] under section 7715.2 of the Vehicle Code (relating to fees).

§ 51.16. [Notification of sale or trade] (Reserved).

[The owner of a snowmobile or ATV shall notify the Department within 15 days if the machine is sold or traded.]

§ 51.17. [Abandoned, stolen or destroyed snowmobiles or ATVs] (Reserved).

[Abandoned, stolen or destroyed snowmobiles or ATVs shall be reported to the Department within 15 days. No fee is charged for this reporting.]

§ 51.19. Snowmobile or ATV owned by United States, another state or political subdivision.

[No certificate of registration or decal is required for a snowmobile or ATV owned and used by

the United States or another state, or a political subdivision thereof. The snowmobile shall display the name of the owner on the cowling. A Class I ATV shall display the name of the owner on the high point of the left rear fender. A Class II ATV shall display the name of the owner on the left side of the machine at the midpoint, a minimum of 18 inches from the ground.] If a snowmobile or ATV is exempt from registration under section 7711.1(f)(2) of the Vehicle Code (relating to registration of snowmobile or ATV) because it is owned and used by the United States or another state or political subdivision, the name of the owner shall be displayed on the cowling or windshield of the snowmobile and in a conspicuous location on the ATV.

[TEMPORARY REGISTRATION]

§ 51.21. [Display of temporary registration decals] (Reserved).

[A snowmobile or ATV may be operated without display of registration numbers for a period of 45 days after the date the application for individual registration and the required fee are mailed to the Department, if the temporary registration certificate is carried on the machine and the temporary registration decals are displayed as follows:

(1) *Snowmobiles*. The temporary registration decals are displayed forward of the handlebars on each side of the cowling.

(2) *Class I ATVs*. The temporary registration decal is displayed on the high point of the machine's left rear fender.

(3) *Class II ATVs*. The temporary registration decal is displayed on the left side of the machine at the midpoint, a minimum of 18 inches from the ground.]

§ 51.22. [Temporary registration certificates] (Reserved).

[Temporary registration certificates will be issued by registered snowmobile or ATV dealers who will forward one copy of the temporary registration application to the Department along with the prescribed forms and the appropriate fee within 5 working days. If a dealer fails to comply with this rule the Department may revoke the dealer's registration certificate.]

[REGISTRATION—DEALER] DEALERS

§ 51.31. [Dealer applications] (Reserved).

[Application for registration as a dealer shall be made to the Department on prescribed dealer forms. Upon payment of the fee required by law, three sets of registration plates will be issued, together with a registration certificate which shall be conspicuously displayed by the dealer in his place of business. These plates may be used by the dealer only for demonstration or testing purposes.]

§ 51.32. Display of registration plates.

[(a) No snowmobile dealer or manufacturer may operate or permit to be operated within this Commonwealth a snowmobile owned by or under the control of the dealer or manufacturer unless two valid registration plates furnished by the Department are displayed on the inside of each trailing

edge of the snowmobile windshield and a dealer plate registration is carried by the operator.

(b) No ATV dealer or manufacturer may operate or permit to be operated within this Commonwealth an ATV owned by or under the control of the dealer or manufacturer unless a registration plate with a valid decal furnished by the Department is displayed on the rear of the machine and a dealer plate registration is carried by the operator.]

Dealer registration plates required under section 7711 of the Vehicle Code (relating to registration of dealers) shall be displayed as follows:

(1) *Snowmobile*. Two plates shall be displayed on the snowmobile, one on the inside of each trailing edge of the windshield.

(2) *ATV*. The plate shall be displayed on the upper half of the rear of the ATV in the following manner:

(i) The plate shall be securely attached. It is not a violation of this provision to attach the plate so that it can swing.

(ii) So that no part of the plate is in line with a tire.

(iii) So that the information on the plate is clearly visible from behind the ATV.

§ 51.33. [Transferability] (Reserved).

[Dealer registrations are not transferable.]

§ 51.34. [Expiration] (Reserved).

[Dealer registrations expire on May 31 of each year.]

§ 51.35. Sanctions for violations by dealers.

(a) *Sanctions*. A dealer who has failed to forward documents required by section 7712.2(c) or section 7715.1(a) of the Vehicle Code (relating to transfer to or from dealer; and snowmobile or ATV purchased from dealer) to the Department within 15 days or who has submitted to the Department documents accompanied by uncollectable checks drawn on the account of the dealer, is subject to the following sanctions after receiving written notice and an opportunity for a hearing:

(1) *First offense*. Suspension of dealer registration until the documents are submitted or checks are paid.

(2) *Second offense*. Suspension of dealer registration until the documents are submitted or checks are paid, plus 3 months suspension.

(3) *Third offense*. Suspension of dealer registration until the documents are submitted or checks are paid, plus 6 months suspension.

(4) *Fourth and subsequent offense*. Revocation of dealer registration.

(b) *Second and subsequent violations*. Second violations are determined on the basis of a previous violation under this section committed within a 3-year period. Third or subsequent violations are determined on the basis of two or more previous violations committed within a 3-year period.

(c) *Multiple violations*. In the case of multiple violations considered at one time, the Department may impose separate sanctions for each violation

under the schedule in subsection (a). The Department may direct that a suspension imposed be served concurrently or consecutively.

(d) *Revocation.* Upon revocation of a dealer's registration, the dealer will be debarred from applying for a new registration for 1 year.

(e) *Effective date of suspension or revocation.* A suspension or revocation of dealer registration shall take effect on the date ordered by the Department.

(f) *Return of dealer certificate, plates and cards.*

(1) Within 3 days of the effective date of a suspension or revocation of dealer registration, a dealer shall return to the Department the registration certificate, the registration plates and the registration cards that had been issued to the dealer by the Department.

(2) A dealer who fails to comply with paragraph (1) is subject to an acceleration of the application of sanctions listed in subsection (a).

(g) *Hearings.* The provisions in 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) apply to hearings under this section.

FEES

§ 51.41. [Individual cost for 2 years] (Reserved).

[The fee for each individual resident and non-resident snowmobile registration is \$10 for 2 years. The fee for each individual resident and nonresident ATV registration is \$20 for 2 years.]

§ 51.42. [Individual cost reduced] (Reserved).

[The fee is \$5.00 for a resident or nonresident individual snowmobile registration issued for the final year of a 2-year registration period. The fee is \$10 for a resident or nonresident individual ATV registration issued for the final year of a 2-year registration period.]

§ 51.43. [Dealer cost] (Reserved).

[The fee for each dealer registration shall be \$25 annually.]

§ 51.44. [Replacement cost for lost, mutilated or destroyed certificates] (Reserved).

[A fee of \$1.00 will be charged for the replacement of each lost, mutilated or destroyed certificate, decal or ATV registration number.]

§ 51.45. [Cost of] Fees for additional dealer plates.

The fee for each set of two additional snowmobile dealer plates is [\$3.00] \$5. The fee for each additional ATV dealer plate is [\$6.00] \$10.

§ 51.46. [Transfer of registration] (Reserved).

[When the owner of a currently registered snowmobile or ATV disposes of the machine, a transfer fee of \$3.00 is required for the transfer of the registration to another snowmobile or ATV.]

[SNOWMOBILE AND ATV] SAFETY TRAINING

§ 51.51. Safety training.

[(a) No person under 16 years of age may operate a snowmobile or ATV in this Commonwealth, unless the person satisfies one of the following conditions:

(1) Is upon the lands owned or leased by his parent or guardian.

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

(3) Has received safety training as prescribed by the Department and has received the appropriate snowmobile or ATV safety certificate.

(b) Snowmobile and ATV education and safety training programs will be conducted by instructors who have been certified by the Department.]

Safety training required by section 7725 of the Vehicle Code (relating to operation by persons under age sixteen) shall meet the following requirements:

(1) Training shall be conducted by instructors or organizations that have been approved by the Department.

(2) Training shall be based on a curriculum and manual approved by the Department, which include the following: machine nomenclature, control familiarization, machine safety features, operating procedures, snowmobile or ATV laws and regulations, proper clothing, safety equipment, emergency situations, first aid and written tests.

§ 51.52. [Age requirements for safety training] (Reserved).

[Training programs will be conducted for the purpose of qualifying persons 10 years of age or older, but less than 16, for a snowmobile or ATV safety certificate. No person under 10 years of age is eligible to enroll or participate in the safety training program prescribed by the Department.]

§ 51.53. [Safety course content] (Reserved).

[The course content will include the following: Machine nomenclature, control familiarization, machine safety features, operating procedures, snowmobile or ATV laws and regulations, proper clothing, safety equipment, emergency situations, first aid and written tests.]

§ 51.54. [Issuance of snowmobile or ATV safety] Safety certificates.

[Upon successful completion of the training program, a snowmobile or ATV safety certificate will be issued to the student, on behalf of the Secretary. The instructor will submit the name, address and date of birth of the students who have successfully completed the training program to the Department. A duplicate certificate will be issued by the Department if the original is lost or destroyed, upon application and payment of \$1.00.]

(a) The instructor or organization that conducted the training in accordance with § 51.51 (relating to safety training) shall submit to the Department the

name, address and date of birth of each student who successfully completed the training.

(b) The Department will issue a snowmobile or ATV safety certificate to the students whose names were submitted in accordance with subsection (a). Persons under the age of 10 years of age or over age of 15 years of age are not eligible for a safety certificate.

(c) The Department will honor, in lieu of a safety certificate issued under subsection (b), a safety certificate issued to a child who is a resident of another state or a province of Canada if the certificate was issued or is recognized by the state or province under a program deemed by the Department to be comparable to the Department's safety training program. The certificate will satisfy the requirements of section 7725 of the Vehicle Code (relating to operation by persons under age sixteen).

ACCIDENT [REPORTING] REPORTS

§ 51.61. [Duty of those involved in an accident] (Reserved).

[It is the duty of each operator of a snowmobile or ATV involved in an accident to exhibit the certificate of registration for the snowmobile or ATV being operated, and to give his name and address and the identification of the snowmobile or ATV to persons injured and to the owner of property damaged in the accident.]

§ 51.62. [Accident report forms] (Reserved).

[The operator of a snowmobile or ATV involved in an accident resulting in injuries to or death of a person or property damage in the estimated amount of \$100 or more shall report the accident within 7 days to the Department upon prescribed accident report forms.]

§ 51.63. [Information required] Accident reports.

[Every] A written report of an accident required by section 7728 of the Vehicle Code (relating to accidents and accident reports) shall contain the following information:

* * * * *

OPERATION [OF SNOWMOBILES AND ATVS ON DESIGNATED AREAS ON STATE-OWNED LANDS]

§ 51.71. [Limitations on usage] (Reserved).

[Snowmobiles or ATVs may be operated on public lands under the jurisdiction of the Department only on roads, trails or areas specifically designated for snowmobile or ATV operation.]

§ 51.72. Operation [in a safe manner] of ATV with a passenger.

[No person may operate a snowmobile or ATV in a manner inconsistent with the rules for operation in a safe manner as prescribed by 75 Pa.C.S. § 7726 (relating to operation in safe manner).] Operating an ATV with a passenger, unless the ATV was originally designed by the manufacturer to carry a passenger, is a violation of section 7726 (a)(2) of the Vehicle Code (relating to operation in safe manner—general rule) and is prohibited.

§ 51.73. [Criteria for designation by Department] (Reserved).

[Prior to designation of a snowmobile or ATV road, trail or area on public lands under the jurisdiction of the Department, the Department will consider the effect of the designation, as it pertains to:

- (1) Soil and other surface features.
- (2) Water quantity, water quality or other water conditions.
- (3) Danger or threat to plant or animal species.
- (4) Uses deemed to be conflicting.
- (5) Other factors considered by the Department to protect public health, welfare and safety.]

§ 51.74. [Operation on non-Department State-owned lands] (Reserved).

[Snowmobiles or ATVs may not be operated on lands under the jurisdiction of another Commonwealth agency except on roads, trails or areas clearly marked and previously designated by that agency.]

§ 51.75. [Spark arrestors] (Reserved).

[(a) ATVs operating on Commonwealth land shall have an approved, properly installed spark arrestor which shall meet and be qualified to either of the following:

(1) The United States Department of Agriculture, Forest Service Standard 5100-1a, published by the United States Forest Service as found in the United States Forest Service publication, *Spark Arrestor Guide*.

(2) The 80% efficiency level when determined in accordance with the appropriate Society for Automotive Engineers recommended practices J335 or J350 noise level restrictions.

(b) The United States Forest Service publication, *Spark Arrestor Guide*, will be used as the reference source in determining whether or not a spark arrestor is approved.

(c) Operation of an ATV on Commonwealth land without an approved spark arrestor is prohibited.]

§ 51.76. [Operation during forest fire danger] (Reserved).

[In the event the Department declares the forest fire danger to be very high or extreme, operation of ATVs will be forbidden on lands under the jurisdiction of the Department to which the declaration of forest fire danger applies.]

DESIGNATING SNOWMOBILE OR [ALL-TERRAIN VEHICLE] ATV ROADS

§ 51.81. [Operation on designated roads] (Reserved).

[Except as otherwise provided in sections 7722 and 7724 of the act (relating to designation of snowmobile and ATV roads and operation on private or State property), no person may operate a snowmobile or ATV on a street or highway unless the street or highway has been closed to vehicular

traffic and designated as a snowmobile or ATV road by the governmental agency having jurisdiction.]

§ 51.82. Barricades for snowmobile or ATV roads.

Streets and highways posted as exclusive snowmobile or ATV roads under section 7722 of the Vehicle Code (relating to designation of snowmobile and ATV roads) shall be barricaded in the following manner:

* * * * *

§ 51.83. Posting signs for snowmobile or ATV roads.

(a) A street or highway which has been posted as a snowmobile or ATV road allowing both snowmobiles or ATVs and other vehicular traffic under section 7722 [of the act] of the Vehicle Code (relating to designation of snowmobile and ATV roads) shall be posted in the following manner:

* * * * *

[SNOWMOBILE AND ALL-TERRAIN VEHICLE]
EQUIPMENT [REQUIREMENTS]

§ 51.91. Snowmobile [noise] sound level requirements.

[Snowmobiles manufactured after January 1, 1976, may not be sold or offered for sale by a manufacturer, distributor or dealer in this Commonwealth unless they are constructed so as to limit total vehicle sound to not more than 78 decibels of sound intensity at 50 feet on the A scale as measured in accordance with SAE Recommended Practice J-192a. Proof of compliance with the foregoing requirement shall be in either of the following forms:

(1) An "SSCC" label conspicuously attached showing certification by the Snowmobile Safety Certification Committee, Inc. that the snowmobile meets the sound standards of the Commonwealth.

(2) By a letter with test results submitted to the Secretary showing an evaluation of the noise levels by a competent independent testing laboratory and showing or certifying that the snowmobile meets the sound standards of the Commonwealth.]

(a) It is unlawful to operate a snowmobile that produces a sound intensity exceeding 78 decibels at 50 feet on the A scale as measured in accordance with SAE Recommended Practice J-192a.

(b) Except as provided in subsection (c), it is unlawful to operate a snowmobile unless its exhaust system displays an authentic "SSCC" (Snowmobile Safety Certification Committee) stamp.

(c) If the exhaust system of a snowmobile lacks an authentic "SSCC" stamp, the operator, upon the request of a person having authority to enforce the provisions of this chapter, shall produce alternate proof, acceptable to the Department, of SSCC certification.

§ 51.94. [Head lamp and tail lamp requirements] (Reserved).

[(a) *Visibility.* Every snowmobile or ATV operated during hours of darkness shall display a lighted head lamp and tail lamp. The lights shall be in operation during the period of from 1/2 hour after sunset to 1/2 hour before sunrise and at any time when, due to insufficient light or unfavorable atmospheric conditions caused by fog or otherwise, other persons, vehicles and other objects are not clearly discernible for a distance of 500 feet.

(b) *Head lamp.* The head lamp shall display white light of sufficient illuminating power to reveal a person, vehicle or substantial object at a distance of 100 feet.

(1) If the snowmobile or ATV is equipped with a multiple beam head lamp, the upper beam shall meet the minimum requirements set forth in this section and the lower-most beam shall be so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 50 feet ahead.

(2) If the snowmobile or ATV is equipped with a single head lamp, the lamp shall be so aimed that when the vehicle is loaded none of the high intensity portion of the light, at a distance of 75 feet ahead, projects higher than the level of the center of the lamp from which it comes.

(c) *Tail lamp.* The tail lamp shall display a red light plainly visible during darkness from a distance of 500 feet.]

§ 51.95. [Brake requirements] (Reserved).

[(a) *Snowmobiles.* It is unlawful to operate a snowmobile which is not equipped with at least one brake of a design approved by the Department operated either by hand or foot, capable of bringing the snowmobile to a stop, under normal conditions, within 40 feet when traveling at a speed of 20 miles per hour with a 150 pound driver and on hard packed snow, or locking its traction belts. The design shall permit simple and easy adjustment to compensate for wear.

(b) *ATVs.* It is unlawful to operate an ATV which is not equipped with a braking system which may be operated by hand or foot, capable of producing deceleration of 14 feet per second on level ground at a speed of 20 miles per hour, and the design shall permit simple and easy adjustment to compensate for wear.]

§ 51.96. [Muffler requirements] (Reserved).

[It is unlawful to operate a snowmobile or an ATV which is not equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile or ATV noise and is in constant operation to prevent excessive or unusual noise.]

[Pa.B. Doc. No. 02-1558. Filed for public inspection September 6, 2002, 9:00 a.m.]