



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 1183

PRINTERS NO. 1841

PRIME SPONSOR: Browne

COST / (SAVINGS)

FUND	FY 2022/23	FY 2023/24
General Fund	\$0	See "Fiscal Impact"
Motor License Fund	\$0	\$0
Local Funds	\$0	See "Fiscal Impact"

SUMMARY: Provides for the forfeiture of a dirt bike or ATV operating illegally on public areas including a highway, including the berm or shoulder, a sidewalk, or a bike lane in urban municipalities. This legislation would take effect in 60 days.

ANALYSIS: This legislation amends sections in Title 42 (Judiciary and Judicial Procedure) and Title 75 (Vehicles) to provide for the forfeiture of dirt bikes and all-terrain vehicles (ATVs) illegally operating on public areas within the boundaries of an urban municipality. An urban municipality under this legislation is a city of the first class, second class, second class A, or third class.

Section 5803 (relating to asset forfeiture) of Title 42 is amended to include violations of new section 3721 of Title 75 (relating to off-road vehicles in urban municipalities).

The legislation creates a new section 3721 (relating to off-road vehicles in urban municipalities) of Title 75 to make it unlawful for a person to operate a dirt bike or ATV on a public area within the boundaries of an urban municipality including a highway, berm or shoulder, a sidewalk, or a bike lane.

This prohibition does not apply to a dirt bike while making a direct crossing under the following scenarios:

1. The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
2. The dirt bike is brought to a complete stop before crossing the shoulder or main-traveled way of the highway.
3. The individual yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.
4. In crossing a divided highway, the crossing is made only at an intersection of the highway with another highway.

The same applies to ATVs under section 7721 (relating to the operation on streets and highways).

The legislation establishes tiered penalties for violations of the new section 3721 and stipulates that a person may not be charged with a violation of Subchapter C of Chapter 77 (relating to snowmobiles and all-terrain vehicles) of Title 75 concurrently with a violation of section 3721 for an offense committed at the same time and place. The new penalties are as follows:

- For a first offense, be sentenced to pay a fine of not less than \$50 nor more than \$200 and costs of prosecution and, in default of the payment of the fine or costs, be imprisoned for not more than 10 days.
- For a subsequent offense, be sentenced to pay a fine of not less than \$100 nor more than \$300 and costs of prosecution and, in default of the payment of the fine or costs, be imprisoned for not more than 30 days.

This legislation also provides that an all-terrain vehicle or dirt bike operated in violation of this legislation shall be subject to forfeiture in accordance with 42 Pa.C.S. §§ 5803 (relating to asset forfeiture), 5805 (relating to forfeiture procedure), 5806 (relating to motion for return of property), 5807 (relating to restrictions on use), 5807.1 (relating to prohibition on adoptive seizures) and 5808 (relating to exceptions). Such forfeiture may not occur unless the individual is convicted of such violation. A police officer may impound the ATV or dirt bike operated in violation pending final disposition of the case or a court order.

FISCAL IMPACT: According to data received from the Administrative Office of Pennsylvania Courts, there have been an average of 782 violations of 75 Pa.C.S. § 7721 (d) (relating to operation on streets and highways) filed with the local Magisterial District Judges statewide from 2019-2021.

42 Pa.C.S. § 5803 (relating to asset forfeiture) provides that property forfeited under Chapter 58 (Forfeiture of Assets) shall be transferred to the custody of the district attorney or the Attorney General, depending on the jurisdiction. The district attorney or the Attorney General may:

- 1) Retain the property for official use; or
- 2) Sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public, except that the proceeds from the sale shall be used to pay all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs. The balance of the proceeds shall be placed in the operating fund of the county in which the district attorney is elected.

Therefore, county district attorneys or the Attorney General may realize an increase in operating revenues with the enactment of this legislation. The amount of revenue generated will be dependent on the number and value of dirt bikes and ATVs that become subject to forfeiture and any costs related to their disposition.

The remainder of the legislation would have no adverse fiscal impact on Commonwealth or local funds.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: June 30, 2022

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.