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IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH,

v.

STEPHEN SCHMECKENBECHER,
Appellant

: No. SA – 038-2025
: 1090 MDA 2026
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: :
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: :
: Rule 1925(a) Opinion

FILED
LYCOMING COUNTY
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HOLLY J. THOMAS
PROthonary &
CLERK OF COURTS

**OPINION IN SUPPORT OF ORDER IN
COMPLIANCE WITH RULE 1925(a) OF
THE RULES OF APPELLATE PROCEDURE**

This opinion is written in support of the Order dated June 8th, 2026 which denied appellants summary appeal and affirmed the judgement of the Magisterial District Court. By way of background, this matter was scheduled before the Court on June 8th, 2026 for a summary appeal trial. After the summary appeal trial this Court found that the Defendant was guilty beyond a reasonable doubt of Operation of an ATV on a Street or Highway pursuant to 75 Pa. C. S. § 7721.

On the afternoon of September 14th, 2025, Ranger Charles Zeigler came into contact with a group of individuals, including Appellant, operating ATV's in the Lycoming County Forrest, specifically on John Merrill Rd. The Commonwealth did enter a photograph of the subject ATV into evidence at the time of trial and labeled it Plaintiff's one. Plaintiff's exhibit one is attached. The vehicle that Appellant was operating was issued a Montana State license plate. Additionally, Appellant provided Ranger Zeigler with the Montana State Registration and financial responsibility identification card. The Montana State Registration indicated that the vehicle was "street legal". Ranger Zeigler did not issue a citation to Appellant that night but subsequently mailed him the citation at issue here.

After being found guilty this Court upheld the judgement previously entered by District Magistrate Gary Whiteman. Appellant filed his notice of appeal on July 6th, 2026 and this court ordered a Concise Statement of Errors Complained of on Appeal and Appellant filed his Concise Statement on August 20th, 2026. By way of his Concise Statement Appellant raises three issues as follows:

1. Whether insufficient evidence was presented to support a guilty verdict of driving an ATV on a roadway when the vehicle in question is not an ATV but rather an undefined vehicle or "dune buggy" equipped for street travel and registered for such a use in a foreign state.
2. Whether 75 PA § 7702 relating to the definition of an ATV is unconstitutionally vague as it seemingly defines ANY vehicle with off road capability as an ATV, however provides specific exceptions to include a "dune buggy", yet lacks ANY definition of a "dune buggy?"
3. Whether a vehicle that is properly registered in a foreign state for street traffic use is permitted for use in Pennsylvania where a classification of such a vehicle is undefined or unrecognized?

The Superior Court's standard of review from an appeal of a summary conviction by the trial is limited to a determination of whether an error of law has been committed and whether the findings of fact are supported by the evidence. *Commonwealth v. Marizzaldi*, 814 A.2d 249, 251 (Pa. Super. 2002). Further, when matters involve statutory interpretation the Superior Court applies the Construction Act 1 Pa. C. S. A. § 1501, which provides the object of interpretation and construction of statutes is to ascertain and effectuate the intention of the General Assembly. *Commonwealth v. Devilbiss*, 351 A.3d 272 (Pa. Super. 2006), quoting *Commonwealth v. McCoy*, 599 Pa. 599, 962 A.2d 1160, 1166 (2009). "Generally, a statute's plain language provides the best indication of legislative intent." *Id.*

First as to matter one, under 75 Pa. C. S. A. § 7721, "it is unlawful to operate a snowmobile or an ATV on any street or highway which is not designated and posted as a

snowmobile or an ATV road by the governmental agency having jurisdiction". Under 75 Pa. C. S. A. 7702 an ATV is defined as,

A motorized off-highway vehicle which travels on three or more tires and which has: (1) a maximum width of 50 inches and a maximum dry weight of 1,200 pounds; or (2) a width which exceeds 50 inches or a dry weight which exceeds 1,200 pounds."

At the time of the summary trial Ranger Charles Zeigler testified for the Commonwealth. On September 14th, 2025, the Ranger was on patrol on John Merrill Rd. in the Lycoming County State Forrest when he encountered the Appellant riding what the Ranger recognized as an ATV. Transcript of Proceedings pg. 3. Ranger Zeigler did testify as to his knowledge regarding the distinction between a class 1 and class 2 vehicle *Id.* at 18-23. The Ranger describes the vehicle in this matter as an orange Honda Talon 1000 which based upon his knowledge and experience would be considered a class 2 ATV. *Id.* at 4-5. He goes on to state that this the Honda Talon 1000 is not one that is recognized as an exception and would be considered an ATV for purposes of 75 Pa. C. S. A. § 7721. Further, the area that Defendant was operating the vehicle was one that was not open to ATV usage at all and the vehicle was not registered in Pennsylvania to be operating on a roadway. *Id.* at 6. The testimony of Ranger Zeigler was clear and convincing and shows beyond a reasonable doubt that Appellant violated 75 Pa. C. S. A. 7721 by establishing that Appellant was operating an ATV on a street or highway which was not designated and posted as an ATV road.

Second, the crux of Appellant's argument for matter two is that the plain language of 75 Pa. C.S. A. 7702, which defines an ATV and includes specific exceptions, is vague and ambiguous. At the time of the summary trial the court heard testimony that the vehicle driven by the Appellant was registered as a quadricycle, side-by-side, style vehicle registered in the state of Montana. Appellant refers to this vehicle in their concise statement as an undefined vehicle or

"dune buggy". A "dune buggy" as defined by the Merriam-Webster Dictionary is an off-road moto vehicle with oversized tires for use especially on sand. At the time Appellant was cited he was not operating the vehicle in an area with sand dunes and there is no testimony that the vehicle had "oversized" tires typically used to travers sand dunes. The description of the vehicle at the time of the summary trial was one that would fall squarely within the plain language of the statute and is not a vehicle listed as one of the specific expectations under the statute.

Additionally, specifically to matter three raised by the Appellant, 75 Pa. C. S. A. § 6149 states,

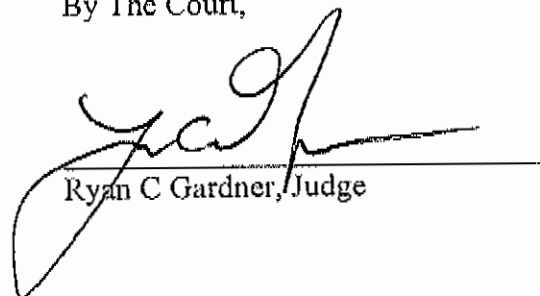
"any vehicle properly registered or licensed in the other jurisdiction, and for which evidence of compliance is supplied, shall receive, when operated in this Commonwealth, the same exemptions, benefits and privileges granted by the other jurisdiction to vehicles properly registered in this Commonwealth with the same type of registration."

Although Montana does prohibit the type of vehicle driven by Appellant, it is not recognized in the same manner under Pennsylvania law. Moreover, Pennsylvania is not required to subordinate public policy within its boarders to the laws of another state. *Ferrelli v. Commonwealth*, 783 A.2d 891, 894 (Pa. Commw. Ct. 2001).

Based upon the above this Court respectfully request that the judgement rendered by this court be affirmed.

DATE: 9/4/26

By The Court,


Ryan C Gardner, Judge

cc: DA
Jay Whittle, Esq. – 2480 East Market St., York, PA 17025
Superior Court (original & 1)
Gary Weber, Esq.



PLAINTIFF'S
EXHIBIT

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