

COMMONWEALTH OF PENNSYLVANIA

**The Regulation and Taxation
of Cannabis Commerce**



PREPARED FOR SENATOR T. MILTON STREET
BY JOYCE D. HENRY LEGISLATIVE RESEARCHER

**Cannabis
Sativa**

SUMMARY

Introduction of legislation to provide for the cultivation, regulation, inspection, and taxation of Cannabis in the Commonwealth of Pennsylvania is in fact a "Bill of Revenue and Reality".

In a time when Pennsylvania is in two billion dollars debt to the federal government and rising; facing a 235 million dollar budget deficit for fiscal year 82-83; and our unemployment rate is at its highest in 40 years, it is time to break the trend towards higher taxes and enact legislation to spur new industry revenues.

Pennsylvania must become the forerunner in the cultivation of a \$25 million dollar commodity that underworld sources have enjoyed tax free for too long. From the birth of an industry on the level of the tobacco fields of Virginia, or the vineyards of California, farmers would profit thousands across the state. Thousands of jobs would be created by the processing, inspection and sales of Cannabis throughout Pennsylvania. And above all an estimated \$240,000,000 annual tax revenue will be established.

The alternative measure of relief may come in the form of another tax hike on the working class; or a further deterioration of services to taxpayers, senior citizens; and the truly needy in the Commonwealth.

The reality side of this bill is that by the Pennsylvania Department of Health, Office of Drug and Alcohol Programs estimations, 1,225,000 Pennsylvanian's consumed cannabis in 1979. And from figures based on a 1979 National Survey done by the Federal Government 1/4 of all American adults have smoked cannabis and 1/2 of those who have smoked it are regular users.

The ability of law enforcement efforts to halt marijuana usage and sale are reflected in the Department of Health's findings that cannabis usage has grown 30 fold in the past 20 years.

The question now is which state will be the first to benefit by the legalized marketing of such a product.

MEASURE SUMMARY

1 A BILL FOR AN ACT

2 Relating to marijuana: creating new provisions; and repealing

3

4 Be It Enacted by the People of the State of Pennsylvania:

5 SECTION 1. This Act may be called The Pennsylvania Marijuana Cultivation Control
6 Act of 1983.

7 SECTION 2. As used in this Act:

8 (1) "Cannabis" means any part of the species cannabis sativa or any
9 species thereof, including cannabis indica, cannabis ruderalis or any other
10 variety of the species cannabis sativa whether growing or not, the seeds
11 thereof, and resin extracted from any part of the plant, its seeds or resin.
12 The term does not include the mature stalks of the plant, fiber produced from
13 the stalks, oil or cake made from the seeds of the plant, any other
14 compound, manufacture, salt derivative, mixture or preparation of the mature
15 stalks except the resin extracted fiber, oil or cake or the sterilized seed of
16 the plant which is incapable of germination.

17 (2) "Commercial" means of or related to a nongratuitous exchange; with
18 consideration.

19 (3) "Cultivation" means the propagation, nurture ^{or} ~~and~~ harvest of
20 cannabis.

21 (4) "Gratuitous" means without consideration; noncommercial. Transfer
22 contemporaneously with the sale or tendering for sale of any goods, services
23 or other things of value, shall be considered not gratuitous.

24 (5) "Processor" means a person who engages in the business of cleaning,
25 testing, preparation, packaging and labelling of cannabis for sale.

1 (6) "Purity" means freedom from substances not indigenous to cannabis,
2 except for water.

3 (7) "State" means the State of Pennsylvania or any county.

4 (8) "Trade" means the sale, transfer or distribution for any kind of
5 consideration, of cannabis, whether by wholesale or retail and includes
6 speculation or trading in contracts for future delivery or purchase of any
7 quantity of cannabis.

8 (9) "Wholesale" means the sale or transfer to a retailer or sale or transfer
9 for purpose other than human consumption.

10 SECTION 3. It is the policy of the Legislative Assembly and the purpose
11 of this Act to establish a comprehensive state program to regulate the
12 commerce in cannabis in Pennsylvania whereby:

13 (1) The abuse of cannabis is diminished;

14 (2) The use of cannabis by children is curtailed;

15 (3) The public health is protected by regulating the purity of cannabis in
16 commerce;

17 (4) Illegal trafficking in cannabis is eliminated;

18 (5) The commerce in cannabis is taxed sufficiently to generate revenue
19 commensurate to its place in the state economy;

20 (6) State resources shall no longer be diverted to ineffective law
21 enforcement policy on cannabis; and

22 (7) Medical research on cannabis is encouraged and barriers to the
23 emergence of a domestic hemp industry are removed.

24 SECTION 4. (1) The State Department of Agriculture shall enforce this Act and:

25 (a) Shall adopt rules as may be necessary to carry out the provisions of
26 this Act.

27 (b) May require in such manner and form as shall be prescribed such
28 reports as are necessary to carry out the powers or duties of the State Department
29 of Agriculture under this Act.

1 (2) Not later than March 1 of each year, the State Department of Agriculture
2 shall submit to the Speaker of the House of Representatives and the President of the
3 Senate a comprehensive and detailed written report with respect to the
4 cultivation, processing, storage, handling and distribution of cannabis subject
5 to the provisions of this Act, the inspection of establishments operated in
6 connection therewith and recommendations for legislation to improve the
7 regulation of cannabis.

8 (3) The State Department of Agriculture by rule shall prescribe the types or
9 kinds of containers which may be used to contain, store, transfer, convey, remove or
10 withdraw cannabis prior to packing for sale at retail.

11 SECTION 5. (1) Except pursuant to a license issued under this Act by
12 the State Department of Agriculture, and in compliance with the rule adopted under the
13 authority of this Act, it shall be unlawful to do any of the following:

14 (a) Cultivate cannabis for other than personal use.

15 (b) Process cannabis for other than personal use.

16 (c) Distribute cannabis for consideration to any person.

17 (d) Possess, cultivate or process cannabis with intent to distribute for
18 consideration to any person.

19 (e) Otherwise be engaged in commerce in cannabis for consideration.

20 (2) For purposes of this section, "personal use" means the consumption of
21 cannabis by an adult or members of the immediate household of the adult and
22 donees. The possession of more than five cannabis plants or more than 2.2
23 pounds of crude cannabis shall raise the rebuttable presumption that
24 possession is not for personal use.

25 SECTION 6. (1) Before commencing in business as a cultivator or
26 distributor of cannabis, and at such other time as the State Department of Agriculture
27 shall prescribe, a person shall make application for and obtain the appropriate
28 license required by this Act. The application shall be in such form as the State
29 Department of Agriculture shall prescribe and shall set forth truthfully and accurately

1 the information called for on the form. An application shall only be denied
2 after notice and hearing at which the State Department of Agriculture or a designee
3 thereof finds by a preponderance of the evidence that the applicant has failed to
4 disclose material information required or made a material false statement in the
5 application. No license under this Act shall be issued to any applicant who
6 has not reached 21 years of age.

7 (2) There shall be no fee required for an applicant to obtain a license.

8 (3) Conviction of any cannabis-related offense under state or federal law
9 prior to the effective date of this Act shall not disqualify any applicant from
10 licensure.

11 (4) Cannabis licenses issued pursuant to this Act expire upon the second
12 anniversary of the issuance thereof, unless renewed.

13 (5) The surviving spouse or legal representative of a deceased
14 noncorporate licensee may continue to exercise rights under the license for 30
15 days following the death of the licensee. Thereafter the rights may be exercised
16 only with the written consent of the State Department of Agriculture. The consent
17 expires, if not sooner revoked, 15 months from the date of death of the licensee.
18 Consent shall be withheld unless the surviving spouse or legal representative
19 meets the qualifications prescribed by this Act for the type of license sought
20 to be retained.

21 (6) The State Department of Agriculture and agents and employees of the State
22 Department of Agriculture, during regular business hours and without notice thereof,
23 may conduct such inspections of the licensed premises, including the books, records
24 and accounts of the licensee as shall be considered appropriate for the enforcement
25 of this Act.

26 (7) Any person aggrieved by an action of the State Department of Agriculture
27 shall have such recourse as provided any other state licensee, including but not
28 limited to contested case procedures under

1 (8) Sale of distribution of cannabis by vending machine or similar
2 automation is prohibited.

3 (9) The State Department of Agriculture shall report to the Legislative
4 Assembly any matters which require immediate changes in this Act in order to
5 prevent abuses and evasions of this Act or the rules adopted thereunder or to rectify
6 undersirable conditions with the administration of this Act.

7 (10) For the five years next following the effective date of this Act and
8 every fifth year thereafter, the State Department of Agriculture shall carry on a
9 continuous study and investigation of cannabis commerce in order to:

10 (a) Ascertain any defects in this Act or in the administration thereof or
11 any evasion of law or rules as may arise to be practiced

12 (b) Formulate recommendations for changes in law and the rules adopted
13 thereunder to prevent such abuses and evasions.

14 (c) Guard against the use of law and rules adopted thereunder as a cover for
15 the carrying on of criminal activites.

16 (11) No license issued under this Act shall be transferable to any other
17 person, except in accordance with subsection (5) of this section concerning the
18 death of a licensee.

19 SECTION 7. (1) The State Department of Agriculture shall issue a cultivation
20 license to any person who meets the requirements prescribed in section 6 of this Act.

21 (2) The holding of a commercial cultivation license shall be conditional
22 upon conformity with this Act and the rules adopted thereunder.

23 (3) It shall be unlawful for the holder of a cultivation license to distribute
24 or deliver cannabis commercially to any person not authorized to receive or purchase
25 marijuana under the provisions of this Act and the rules adopted thereunder. A
26 copy of a license bearing the seal of the State Department of Agriculture shall
27 constitute prima facie evidence of the license. Except in cases of conspiracy or
28 accomplice liability, holders of a commercial cultivation license shall not be
29 liable for the actions of transferees in violation of this Act. For purposes of

1 this subsection, transfer is accomplished when the cultivator completes the
2 performance with reference to the physical delivery of the cannabis.

3 (4) Licensed cultivators shall be permitted to grow no more than 10,000
4 cannabis plants in any one-year period.

5 SECTION 8. (1) The State Department of Agriculture shall hire persons considered
6 qualified to process cannabis. Processors shall be responsible for cleaning the
7 raw cannabis, testing for impurities, testing for potency, packaging and labelling
8 dried cannabis for retail sale.

9 (2) Processors shall be paid a salary established by the Legislative Assembly.

10 (3) Before any processor is hired by the State Department of Agriculture or
11 authorized agents, the State Department of Agriculture may require a bond in such
12 form and amount as the State Department of Agriculture may prescribe to insure
13 compliance with the terms of the license and the provisions of this Act.

14 (4) It shall be unlawful for any processor to distribute or deliver cannabis
15 to any person not holding a trader's license issued by authority of this Act.

16 (5) It shall be unlawful for any processor to distribute or commercially
17 possess for more than 24 hours any package containing cannabis which fails to
18 bear a state seal or other such documentation as the State Department of
19 Agriculture may prescribe as evidence that the revenue imposed by this Act has
20 been paid.

21 SECTION 9. (1) The processor shall prepare cannabis in a package which
22 bears a permanent label containing the following information, in a form the
23 State Department of Agriculture may prescribe:

24 (a) The identity of the contents by species and variety.

25 (b) The name and place of business of the cultivator.

26 (c) Caution: Smoking any substance irritates the mouth, throat, breathing
27 passages and lungs and may be harmful to other organs.

1 Inexperience or overdose may cause confusion or disorientation. Do not use
2 around or when operating hazardous equipment. Do not use during pregnancy.
3 The operation of a motor vehicle under the influence of cannabis, alcohol or
4 any other intoxicant is a serious crime and may result in the loss of your license
5 to drive.

6 (d) The net quantity of contents in terms of dry weight by grams.

7 (3) Potency as expressed as the percentage of THC by dry weight.

8 (f) Such marketing or branding as shall prevent deception of the consumer
9 with respect to the contents or the quality thereof.

10 (2) The State Treasurer shall adopt rules concerning the labelling of
11 cannabis to:

12 (a) Prohibit deception of the consumer with respect to the cannabis or the
13 quantity thereof and to prohibit, irrespective of falsity, statements relating
14 to age, cultivation methods, guarantees and scientific or irrelevant matters as
15 the State Department of Agriculture finds likely to mislead the consumer.

16 (b) Prohibit statements on the label that are disparaging of the product
17 of a competitor or are false, misleading, obscene or indecent.

18 (c) Prevent deception of the consumer by use of a trade or brand name that
19 is the name of any living individual of public prominence, or existing private
20 or public organization, or is a name that is in simulation or is an abbreviation
21 thereof, and to prevent the use of a graphic, pictorial or emblematic representation
22 of any such individual or organization, if the use of such name or representation
23 is likely to lead the consumer to believe that the product has been endorsed,
24 made or used by, or produced for, or under the supervision of, or in accordance
25 with the specifications of, such individuals or organizations. This shall not
26 apply to the name or location of the cultivator or the generic name of the cannabis
27 contained therein.

28 (3) No processor shall affix labels or other documentation as the State
29 Department of Agriculture shall prescribe pursuant to subsections (1) and (2) of

1 this section to any package containing cannabis which contains a dilutant, retardant
2 or accelerator, preservative or any additive of any kind the effect whereof is to
3 reduce the purity of cannabis to less than 100 percent.

4 (4) It shall be unlawful for any person to alter, mutilate, destroy, obliterate
5 or remove any label upon cannabis held for sale as authorized by this Act except
6 pursuant to rules adopted by the State Department of Agriculture in compliance
7- with the requirements of this section.

8 SECTION 10. (1) The State Department of Agriculture shall issue trade licenses
9 to any person meeting the qualifications of section 6 of this Act for the sale of
10 cannabis at retail.

11 (2) It shall be unlawful for the holder of a trade license to sell, offer for
12 sale or otherwise transfer with consideration, cannabis to any person who has not
13 reached 21 years of age or who is intoxicated.

14 (3) Before any license required by this section is granted to a trader, the
15 State Department of Agriculture may require a bond in a form and amount as prescribed
16 by the State Department of Agriculture to insure compliance with the terms of the
17 license and the provisions of this Act.

18 SECTION 11. Cannabis shall be sold at the retail level only in state-licensed
19 retail liquor outlets.

20. SECTION 12. The State Department of Agriculture shall issue research licenses
21 for the conduct of bona fide medical, social, behavioral or other research upon
22 which terms and conditions shall be prescribed consistent with the purposes of
23 this Act as set forth in section 3 of this Act.

24 SECTION 13. (1) The State Department of Agriculture and authorized agents
25 shall be the sole purchasers of the cannabis plant or any part thereof from the
26 licensed cultivator. Sale or purchase made by an unlicensed party shall be
27 considered unlawful trade on the part of both the seller and the buyer. The State
28 Department of Agriculture and authorized agents shall purchase only those cannabis
29 plants which are taller than one meter at the time of harvest. All cannabis plants

1 which do not reach the height of one meter at the time of harvest shall be destroyed.
2 The State Department of Agriculture and authorized agents shall purchase only those
3 plants which have flowered and are free of disease, mold or insect infestation.
4 Immature plants shall be destroyed at the time of harvest.

5 (2) The State Department of Agriculture shall purchase cannabis plants from
6 licensed cultivators at the following prices:

7 (a) Male or unsexed cannabis plants, \$25 per plant.

8 (b) Hermaphroditic and fertilized femal cannabis plants, \$50 per plants.

9 (c) Unfertilized femal cannabis plants, \$100 per plant.

10 (3) The State Department of Agriculture, through licensed traders, shall sell
11 processed cannabis at the following prices:

12 (a) \$70 per ounce for cannabis containing more than .8 percent THC and a
13 proportionate price for all fractional parts of an ounce of such cannabis.

14 (b) \$50 per ounce for cannabis containing more than four percent but not more
15 than 8 percent THC and a proportionate price for all fractional parts an ounce of
16 such cannabis.

17 (c) \$30 per ounce for cannabis containing more than two percent but not more
18 than four percent THC and a proportionate price for all fractional parts of an
19 ounce of such cannabis.

20 (d) The Legislative Assembly may adjust the prices for cannabis set forth in
21 section every two years from the effective date of this Act. Such adjustments shall
22 be tied to the Consumer Price Index for Pennsylvania published annually by the
23 United States Department of Labor Statistics. The index number in the column
24 titled "all items" for the month of December next following the effective date of
25 this Act shall be the base index number and the corresponding index number for the
26 month of December prior to the meeting of the Legislative Assembly at which price
27 adjustments are made shall be the "current index number." The current index number
28 shall be devided by the base index number. From the quotient thereof, there shall
29 be subtracted the integer one and any resulting positive number shall be deemed to

1 be the percentage of increase in the cost of living. The percentage of increase
2 multiplied by the prices prescribed therein shall be the maximum increase to be
3 imposed on the purchase or sale of cannabis in the State of Pennsylvania under this
4 Act.

5 SECTION 14. (1) All moneys from the sale of cannabis shall be forwarded to
6 the State Department of Agriculture, who shall establish an interest-bearing cannabis
7 fund within the State Department of Agriculture. This fund shall be used by the
8 State Department of Agriculture to purchase raw cannabis from the cultivator, to pay
9 the salaries of processors and other authorized agents needed to carry out the
10 provisions of this Act and to provide any equipment or personnel necessary for the
11 processing and distribution of cannabis pursuant to the provision of this Act.

12 (2) At the end of each fiscal year all moneys in the cannabis fund considered
13 by the State Department of Agriculture to be profit shall be distributed as follows:

14 (a) All profits will be turned over to the Commonwealth of Pennsylvania's
15 General Fund.

16 SECTION 15. (1) No person, directly or indirectly, personally or through
17 any agent or employe, whether for consideration or gratuitously, shall cause to
18 be published in a newspaper or magazine distributed anywhere in the State of
19 Pennsylvania or to be broadcast or cablecast to a radio or television receiver
20 in the State of Pennsylvania, or to appear in any display signs or personal
21 solicitation, or any manner of advertising, any advertisement or notice to
22 promote or encourage the consumption or use in any way of cannabis.

23 (2) The prohibition in subsection (1) of this section does not apply to any
24

1 of the following:

2 (a) Cannabis packages, crates, cartons and boxes of cannabis products

3 However, such items shall not be used in display or ornament or as a fixture on
4 any licensed premises.

5 (b) Logos contained in private correspondence or trade publications not
6 intended for public distribution.

7 (c) A single notice reading "Authorized Cannabis Outlet" in a style prescribed
8 by the State Department of Agriculture.

9 (3) It shall be unlawful for any person engaged as a cultivator, processor
10 or trader of cannabis to publish or disseminate or cause to be published or
11 disseminated by radio or television broadcast or cablecast, or in any newspaper,
12 periodical or printed on graphic matter, any advertisement of cannabis, if such
13 advertisement is calculated to induce sales in or use of cannabis, unless such
14 advertisement is in conformity with rules adopted by the State Department of
15 Agriculture to:

16 (a) Prevent deception of the consumer with respect to the products advertised
17 and prohibit, irrespective of falsity, such statements relating to age, origin,
18 cultivation methods, guarantees and scientific or irrelevant matters as the State
19 Department of Agriculture deems likely to mislead the consumer; or

20 (b) Prevent statements inconsistent with any statement on the labelling of
21 the products advertised.

22 (4) The prohibitions contained in subsection (3) of this section and rules
23 adopted under subsection (3) of this section do not apply to the publisher of any
24 newspaper, periodical or other publication or radio or television broadcast or
25 cablecaster, unless such publisher or radio or television or cable broadcaster
26 is engaged in business as a cultivator, processor or trader of cannabis.

27 SECTION 16. All premises and activities conducted under license issued
28 pursuant to this Act shall be subject to inspection without notice during reasonable
29 hours. Cultivating, processing and storage of cannabis in violation of this Act

1 shall be subject to search and seizure pursuant to law.

2 SECTION 17. (1) Any person who does any of the following for each offense
3 shall be fined not more than \$100,000, or imprisoned not more than 20 years, or
4 both:

5 (a) Engages in business as a cultivator, processor, distributor, researcher,
6 importer or retailer of cannabis without having a current license issued in accordance
7 with this Act.

8 (b) With intent to defraud the state purchases, receives, possesses, offers
9 for sale or sells or otherwise disposes of, after removal, any cannabis upon which
10 the tax has not been determined in the manner and at the time prescribed by this
11 Act or rule adopted thereunder.

12 (c) With intent to defraud the state shall purchase, receive, possess, offer
13 for sale or sell or otherwise dispose of, after removal, any cannabis which is not
14 put up in packages not bearing the marks, labels and notices, as required under this
15 section.

16 (2) Any person who possesses a quantity of cannabis in excess of quantity
17 allowed for personal use, under section 5 of this Act shall be fined not more than
18 \$1,000.

19 (3) Any person who, with intent to defraud the state, destroys, obliterated
20 or defaces any mark, label or notice prescribed or authorized by this Act or rules
21 adopted thereunder, to appear on, be affixed to, any package of cannabis before the
22 package is emptied, shall be fined not more than \$1,000.

1 (4) Sale or gift of any quantity of cannabis by an adult to an unrelated
2 minor where the adult is more than three years older than the minor, is
3 punishable by a maximum penalty of life in prison.

4 SECTION 18. The State Department of Agriculture and authorized agents may detain any
5 package or other container containing or supposed to contain cannabis when
6 there is reason to believe that such cannabis has not been purchased or sold
7 in accordance with the requirement of this Act and rules adopted
8 thereunder. Such containers shall be held in a safe place until it shall be
9 determined whether the property so detained is liable by law to be proceeded
10 against for forfeiture. Such summary detention shall not continue in any case
11 longer than 72 hours without process of law or intervention of the officer to
12 whom such detention is reported.

13 SECTION 19. (1) All cannabis forfeited, summarily or by order of court,
14 under any law of this state, shall be delivered to the State Department of Agriculture or
15 authorized agents to be disposed of as provided in this section.

16 (2) The State Department of Agriculture shall dispose of all cannabis which has been
17 delivered:

18 (a) By delivery to such government agencies as have a need for such
19 cannabis for medicinal or scientific purposes, or for any other official purpose
20 for which appropriated funds may be spent by a government agency;

21 (b) By gifts to such eleemosynary institutions as, in the opinion of the
22 State Department of Agriculture, have a need for the cannabis for medicinal or other
23 lawful purposes; or

24 (c) By destruction.

25 (3) Except as otherwise provided by law, no cannabis which has been
26 seized under any law of this state may be disposed of in any manner
27 whatsoever except after forfeiture and as provided in this section.

28 (4) The State Department of Agriculture may adopt rules necessary to carry out the
29 provisions of this section.

1 SECTION 20. (1) All cannabis found in any container or package required
2 by this Act or any rule adopted thereunder to bear a mark, brand or
3 identification, not marked or identified in compliance with the Act and such
4 rules shall be forfeited to the state.

5 (2) All cannabis found in any container required by this Act or any rules
6 adopted thereunder to bear a stamp or label, not stamped or labelled in
7 compliance with this Act or such rules, shall be forfeited to the state.

8 SECTION 21. Whenever seizure is made of any cannabis found elsewhere
9 than on the premises of a cannabis processing plant or cannabis dealer, or
10 than in transit from any of these places, or if any cannabis found in any one
11 of the places, or in transit therefrom, which has not been received into or
12 sent out therefrom in conformity to law, or in regard to which any of the
13 entries required by law or rules, to be in respect of such cannabis, have not
14 been made at the time or in the manner required, or respect to which any
15 owner or person having possession, control or charge of cannabis, has
16 omitted to do any act required to be done, or has done or committed any act
17 prohibited in regard to cannabis, the burden of proof shall be upon the
18 claimant of the cannabis to show that no fraud has been committed and that
19 all the requirements of the law have been complied with.

20 SECTION 22. (1) No person shall consume or otherwise use cannabis in a
21 motor vehicle when the vehicle is upon a highway.

22 (2) A person who violates this section commits a Class B traffic
23 infraction.

24 SECTION 23. (1) No person shall have in the personal possession of the
25 person, while in a motor vehicle upon a highway, any receptacle containing
26 cannabis which has been opened, or on which a seal has been broken, or the
27 contents of which have been partially removed.

28 (2) A person who violates this section commits a Class B traffic
29 infraction.

1 SECTION 24. (1) It is unlawful for the registered owner of any motor
2 vehicle, or the driver if the registered owner is not then present in the
3 vehicle, to keep in a motor vehicle when the vehicle is upon any highway,
4 any receptacle containing cannabis which has been opened, or on which a seal
5 has been broken, or the contents of which have been partially removed,
6 unless the receptacle is kept in the trunk of the vehicle, or kept in some
7 other area of the vehicle not normally occupied by the driver or passengers if
8 the vehicle is not equipped with a trunk.

9 (2) For the purposes of this section, a utility compartment or glove
10 compartment is considered within the area occupied by the driver and
11 passengers. This section shall not apply to the living quarters of a camper
12 or a motor home.

13 (3) A person who violates this section commits a Class B traffic
14 infraction.