

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1452 Session of
1987

INTRODUCED BY MAYERNIK, TRELLO, PISTELLA, YANDRISEVITS, HASAY,
MELIO, KENNEY, McHALE, BUNT, RAYMOND, KOSINSKI, LASHINGER,
FOX, E. Z. TAYLOR, VEON, CIVERA AND BLACK, JUNE 3, 1987

SENATOR CORMAN, TRANSPORTATION, IN SENATE, AS AMENDED,
NOVEMBER 15, 1988

AN ACT

1 ~~Amending Title 75 (Vehicles) of the Pennsylvania Consolidated~~ <—
2 ~~Statutes, further providing for determination of~~
3 ~~incompetency, for chemical testing to determine amount of~~
4 ~~alcohol, for general requirements for school buses and for~~
5 ~~width of vehicles.~~
6 AMENDING TITLE 75 (VEHICLES) OF THE PENNSYLVANIA CONSOLIDATED <—
7 STATUTES, PROVIDING FOR THE USE OF SIDE STOP SIGNAL ARMS ON
8 SCHOOL BUSES; AND FURTHER PROVIDING FOR DRIVER'S DUTY WHEN
9 MEETING A SCHOOL BUS.

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

12 ~~Section 1. Section 1519 of Title 75 of the Pennsylvania~~ <—
13 ~~Consolidated Statutes is amended by adding a subsection to read:~~
14 ~~§ 1519. Determination of incompetency.~~

15 * * *

16 ~~(d) Exceptions. Any provision of this section or this~~
17 ~~chapter to the contrary notwithstanding, any freedom from~~
18 ~~epileptic seizure requirements promulgated by departmental~~
19 ~~regulation shall not operate to preclude a person between the~~
20 ~~ages of 16 and 18 from obtaining a learner's permit for the sole~~

~~1 purpose of participating in a properly supervised behind the~~
~~2 wheel driver training course offered in the public schools in~~
~~3 which the training vehicle is equipped with dual controls. The~~
~~4 department may require such proof as it deems necessary to~~
~~5 establish that the permit shall be used for such limited purpose~~
~~6 and that the driver training course vehicle to be used is~~
~~7 equipped with dual controls. The applicant may use the permit~~
~~8 for such purpose, and such purpose only, until such time as the~~
~~9 incapacity is otherwise removed or waived in accordance with~~
~~10 departmental regulation, at which time the applicant may use the~~
~~11 permit for all lawful purposes for which said permits are~~
~~12 normally issued.~~

~~13 Section 2. Sections 1547(c) and 4552(b) of Title 75 are~~
~~14 amended to read:~~

~~15 § 1547. Chemical testing to determine amount of alcohol or~~
~~16 controlled substance.~~

~~17 * * *~~

~~18 (c) Test results admissible in evidence. In any summary~~
~~19 proceeding or criminal proceeding in which the defendant is~~
~~20 charged with a violation of section 3731 or any other violation~~
~~21 of this title arising out of the same action, the amount of~~
~~22 alcohol or controlled substance in the defendant's blood, as~~
~~23 shown by chemical testing of the person's breath, blood or~~
~~24 urine, which tests were conducted by qualified persons using~~
~~25 approved equipment, shall be admissible in evidence.~~

~~26 (1) Chemical tests of breath shall be performed on~~
~~27 devices approved by the Department of Health using procedures~~
~~28 prescribed jointly by regulations of the Departments of~~
~~29 Health and Transportation. Devices shall have been calibrated~~
~~30 and tested for accuracy within a period of time and in a~~

1 manner specified by regulations of the Departments of Health
2 and Transportation. ~~The regulations shall also prescribe~~
3 ~~standards for control solutions or other methodology used to~~
4 ~~test the accuracy of the devices.~~ For purposes of breath
5 testing, a qualified person means a person who has fulfilled
6 the training requirement in the use of the equipment in a
7 training program approved by the Departments of Health and
8 Transportation. A certificate or log showing that a device
9 was calibrated and tested for accuracy and that the device
10 was accurate shall be presumptive evidence of those facts in
11 every proceeding in which a violation of this title is
12 charged.

13 (2) ~~Chemical tests of blood or urine shall be performed~~
14 ~~by a clinical laboratory licensed and approved by the~~
15 ~~Department of Health for this purpose using procedures and~~
16 ~~equipment prescribed by the Department of Health. For~~
17 ~~purposes of blood and urine testing, qualified person means~~
18 ~~an individual who is authorized to perform those chemical~~
19 ~~tests under the act of September 26, 1951 (P.L.1539, No.389),~~
20 ~~known as "The Clinical Laboratory Act."~~

21 * * *

22 § 4552. ~~General requirements for school buses.~~

23 * * *

24 (b) ~~Visual signals.~~ In addition to the applicable lighting
25 requirements of Chapter 43 (relating to lighting equipment)
26 every school bus shall be equipped with a uniform front and rear
27 system of red and amber visual signals for the warning and
28 control of traffic during route operations as provided in
29 section 3345 (relating to meeting or overtaking school bus) and
30 in regulations of the department. All school buses purchased

~~after July 1, 1988, which were manufactured after that date shall also be equipped with a side stop signal arm on the left side of the vehicle. The side stop signal arm shall be automatically activated whenever the bus is stopped with the red visual signals in use. The side stop signal arm shall contain a flashing red light connected to the same circuits as the red and amber visual signals. The department shall adopt regulations implementing this subsection.~~

~~* * *~~

~~Section 3. Section 4921 of Title 75 is amended by adding a subsection to read:~~

~~§ 4921. Width of vehicles.~~

~~* * *~~

~~(f.1) School buses. School bus side stop signal arms, as provided for in section 4552, may, when in an extended position displaying red visual signals while the vehicle is stopped and loading or discharging students, extend beyond the width limitation otherwise provided in this section.~~

~~Section 4. This act shall take effect in 60 days.~~

~~SECTION 1. SECTION 3345(A) OF TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:~~

~~§ 3345. MEETING OR OVERTAKING SCHOOL BUS.~~

~~(A) DUTY OF APPROACHING DRIVER WHEN RED SIGNALS ARE FLASHING.--EXCEPT AS PROVIDED IN SUBSECTION (G), THE DRIVER OF A VEHICLE MEETING OR OVERTAKING ANY SCHOOL BUS STOPPED ON THE HIGHWAY SHALL STOP AT LEAST TEN FEET BEFORE REACHING THE SCHOOL BUS WHEN THE RED SIGNAL LIGHTS ON THE SCHOOL BUS ARE FLASHING AND THE SIDE STOP SIGNAL ARMS ARE ACTIVATED UNDER SECTION 4552(B.1) (RELATING TO GENERAL REQUIREMENTS FOR SCHOOL BUSES).~~

~~THE DRIVER SHALL NOT PROCEED UNTIL THE FLASHING RED SIGNAL~~

1 LIGHTS ARE NO LONGER ACTUATED. IN NO EVENT SHALL A DRIVER OF A
2 VEHICLE RESUME MOTION OF THE VEHICLE UNTIL THE SCHOOL CHILDREN
3 WHO MAY HAVE ALIGHTED FROM THE SCHOOL BUS HAVE REACHED A PLACE
4 OF SAFETY.

5 * * *

6 SECTION 2. SECTIONS 4552 AND 4921 OF TITLE 75 ARE AMENDED BY
7 ADDING SUBSECTIONS TO READ:

8 § 4552. GENERAL REQUIREMENTS FOR SCHOOL BUSES.

9 * * *

10 (B.1) USE OF SIDE STOP SIGNAL ARMS.--EVERY SCHOOL BUS SHALL
11 BE EQUIPPED WITH A SIDE STOP SIGNAL ARM ON THE LEFT SIDE OF THE
12 VEHICLE. THE SIDE STOP SIGNAL ARM SHALL BE AUTOMATICALLY
13 ACTIVATED WHENEVER THE BUS IS STOPPED WITH THE RED VISUAL
14 SIGNALS IN USE AND SHALL ITSELF CONTAIN A FLASHING RED LIGHT
15 CONNECTED TO THE SAME CIRCUITS AS THE RED VISUAL SIGNALS. THE
16 SIDE STOP SIGNAL ARM IS MANDATED ACCORDING TO THE FOLLOWING
17 SCHEDULE:

18 (1) SCHOOL BUSES MAY BE EQUIPPED WITH AND USE A SIDE
19 STOP SIGNAL ARM ON JANUARY 1, 1989.

20 (2) EVERY NEW SCHOOL BUS PURCHASED AND MANUFACTURED
21 AFTER JULY 1, 1989, SHALL BE EQUIPPED WITH A SIDE STOP SIGNAL
22 ARM.

23 (3) BY JULY 1, 1994, EVERY SCHOOL BUS SHALL BE EQUIPPED
24 WITH A SIDE STOP SIGNAL ARM.

25 THE DEPARTMENT SHALL ADOPT REGULATIONS IMPLEMENTING THIS
26 SUBSECTION.

27 * * *

28 § 4921. WIDTH OF VEHICLES.

29 * * *

30 (E.1) SCHOOL BUSES.--SCHOOL BUS SIDE STOP SIGNAL ARMS, AS

1 PROVIDED FOR IN SECTION 4552 (RELATING TO GENERAL REQUIREMENTS
2 FOR SCHOOL BUSES), MAY, WHEN IN AN EXTENDED POSITION DISPLAYING
3 RED VISUAL SIGNALS WHILE THE VEHICLE IS STOPPED AND LOADING OR
4 DISCHARGING STUDENTS, EXTEND BEYOND THE WIDTH LIMITATION
5 OTHERWISE PROVIDED IN THIS SECTION.

6 * * *

7 SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.