

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2246 Session of 2010

INTRODUCED BY TALLMAN, READSHAW, BARRAR, BELFANTI, BOBACK, D. COSTA, EVERETT, FABRIZIO, FARRY, GEORGE, GILLESPIE, GROVE, HESS, HICKERNELL, HORNAMAN, KNOWLES, KORTZ, MARSHALL, MATZIE, MILLARD, MILLER, MOUL, MURT, OBERLANDER, PASHINSKI, ROAE, SAYLOR, SIPTROTH, SOLOBAY, SWANGER, J. TAYLOR, VULAKOVICH, BEYER AND HENNESSEY, FEBRUARY 8, 2010

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 26, 2010

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for definitions, FOR DUTY OF
3 DRIVER IN EMERGENCY RESPONSE AREAS, FOR CARELESS DRIVING, FOR
4 SNOW AND ICE DISLODGED OR FALLING FROM MOVING VEHICLE and for
5 sentencing for homicide by vehicle; providing for the offense
6 of aggravated assault by vehicle; FURTHER PROVIDING FOR
7 AGGRAVATED ASSAULT BY VEHICLE WHILE DRIVING UNDER THE
8 INFLUENCE, FOR ACCIDENT INVOLVING DEATH OR PERSONAL INJURY
9 WHILE NOT PROPERLY LICENSED AND FOR ACCIDENT SCENE CLEARANCE;
10 and imposing penalties.



11 RESOLVED, That this act may be referred to as the Sgt.

12 Michael C. Weigand Law.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 102 of Title 75 of the Pennsylvania
16 Consolidated Statutes is amended by adding definitions to read:

17 § 102. Definitions.

18 Subject to additional definitions contained in subsequent
19 provisions of this title which are applicable to specific

1 provisions of this title, the following words and phrases when
2 used in this title shall have, unless the context clearly
3 indicates otherwise, the meanings given to them in this section:

4 * * *

5 ~~"Emergency medical services personnel." Includes, but is not~~ ←
6 ~~limited to, the following persons while working within the scope~~
7 ~~of their employment:~~

8 ~~(1) Doctors.~~

9 ~~(2) Residents.~~

10 ~~(3) Interns.~~

11 ~~(4) Registered nurses.~~

12 ~~(5) Licensed practical nurses.~~

13 ~~(6) Nurse aides.~~

14 ~~(7) Ambulance attendants and operators.~~

15 ~~(8) Paramedics.~~

16 ~~(9) Emergency medical technicians.~~

17 ~~(10) Members of a hospital security force.~~

18 ~~"Emergency service responder." An individual acting in an~~
19 ~~official capacity as any of the following:~~

20 ~~(1) A police officer.~~

21 ~~(2) A sheriff or deputy sheriff.~~

22 ~~(3) A coroner or deputy coroner.~~

23 ~~(4) A firefighter.~~

24 ~~(5) Fire police.~~

25 ~~(6) A fire marshal.~~

26 ~~(7) A medical examiner or deputy medical examiner.~~

27 ~~(8) Rescue personnel.~~

28 ~~(9) Ambulance personnel.~~

29 ~~(10) Towing and recovery personnel.~~

30 ~~(11) Highway maintenance and construction personnel.~~

1 (12) Hazardous material response team member.

2 (13) Emergency medical services personnel.

3 * * *

4 "Serious bodily injury." Any bodily injury which creates a
5 substantial risk of death or which causes serious, permanent
6 disfigurement or protracted loss or impairment of the function
7 of any bodily member or organ.

8 Section 2. ~~Section~~ SECTIONS 3327(B.1) AND (F), 3714(D), 3720
9 AND 3732(b) of Title 75 ~~is~~ ARE amended to read:



10 § 3327. DUTY OF DRIVER IN EMERGENCY RESPONSE AREAS.

11 * * *

12 (B.1) SUSPENSION OF OPERATING PRIVILEGE.--THE DEPARTMENT
13 SHALL SUSPEND THE OPERATING PRIVILEGE OF ANY PERSON FOR 90 DAYS
14 UPON RECEIVING A CERTIFIED RECORD OF THE DRIVER'S CONVICTION,
15 ADJUDICATION OF DELINQUENCY OR ADMISSION INTO A PREADJUDICATION
16 PROGRAM FOR A VIOLATION OF SUBSECTION (A), IF THE CERTIFIED
17 CONVICTION INDICATES THE VIOLATION RESULTED IN SERIOUS BODILY
18 INJURY TO ANOTHER PERSON. THE LICENSE SHALL BE SURRENDERED IN
19 ACCORDANCE WITH SECTION 1540 (RELATING TO SURRENDER OF LICENSE).

20 * * *

21 (F) [DEFINITIONS] DEFINITION.--AS USED IN THIS SECTION, [THE
22 FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO
23 THEM IN THIS SUBSECTION:

24 "EMERGENCY RESPONSE AREA." THE] THE TERM "EMERGENCY RESPONSE
25 AREA" MEANS THE AREA IN WHICH EMERGENCY SERVICE RESPONDERS
26 RENDER EMERGENCY ASSISTANCE TO INDIVIDUALS ON OR NEAR A ROADWAY
27 OR A POLICE OFFICER IS CONDUCTING A TRAFFIC STOP OR SYSTEMATIC
28 CHECK OF VEHICLES AS LONG AS THE EMERGENCY VEHICLE IS MAKING USE
29 OF VISUAL SIGNALS MEETING THE REQUIREMENTS OF SUBCHAPTER D OF
30 CHAPTER 45.

1 ["EMERGENCY SERVICE RESPONDER." AN INDIVIDUAL ACTING IN AN
2 OFFICIAL CAPACITY AS POLICE OFFICER, SHERIFF, DEPUTY SHERIFF,
3 CORONER, DEPUTY CORONER, FIREFIGHTER, FIRE POLICE, FIRE MARSHAL,
4 MEDICAL EXAMINER, DEPUTY MEDICAL EXAMINER, RESCUE PERSONNEL,
5 AMBULANCE PERSONNEL, TOWING AND RECOVERY PERSONNEL, HIGHWAY
6 MAINTENANCE AND CONSTRUCTION PERSONNEL, HAZARDOUS MATERIAL
7 RESPONSE TEAM MEMBER OR EMERGENCY MEDICAL SERVICE PERSONNEL.

8 "SERIOUS INJURY." A PERSONAL INJURY RESULTING IN DEATH,
9 SERIOUS IMPAIRMENT OF BODY FUNCTION OR PERMANENT SERIOUS
10 DISFIGUREMENT.]

11 § 3714. CARELESS DRIVING.

12 * * *

13 [(D) DEFINITION.--AS USED IN THIS SECTION, "SERIOUS BODILY
14 INJURY" MEANS ANY BODILY INJURY WHICH CREATES A SUBSTANTIAL RISK
15 OF DEATH OR WHICH CAUSES SERIOUS, PERMANENT DISFIGUREMENT OR
16 PROTRACTED LOSS OR IMPAIRMENT OF THE FUNCTION OF ANY BODILY
17 MEMBER OR ORGAN.]

18 § 3720. SNOW AND ICE DISLODGED OR FALLING FROM MOVING VEHICLE.

19 WHEN SNOW OR ICE IS DISLODGED OR FALLS FROM A MOVING VEHICLE
20 AND STRIKES ANOTHER VEHICLE OR PEDESTRIAN CAUSING DEATH OR
21 SERIOUS BODILY INJURY [AS DEFINED IN SECTION 3742 (RELATING TO
22 ACCIDENTS INVOLVING DEATH OR PERSONAL INJURY)], THE OPERATOR OF
23 THE VEHICLE FROM WHICH THE SNOW OR ICE IS DISLODGED OR FALLS
24 SHALL BE SUBJECT TO A FINE OF NOT LESS THAN \$200 NOR MORE THAN
25 \$1,000 FOR EACH OFFENSE.

26 § 3732. Homicide by vehicle.

27 * * *

28 (b) Sentencing.--

29 (1) In addition to any other penalty provided by law, a
30 person convicted of a violation of subsection (a) may be

1 sentenced to an additional term not to exceed five years'
2 confinement if at trial the prosecution proves beyond a
3 reasonable doubt that the offense occurred in an active work
4 zone ~~or the victim was an emergency service responder~~ [as ←
5 defined in section 102 (relating to definitions)]. ←

6 (1.1) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, ←
7 A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) AS THE
8 RESULT OF A VIOLATION OF SECTION 3325 (RELATING TO DUTY OF
9 DRIVER ON APPROACH OF EMERGENCY VEHICLE) OR 3327 (RELATING TO
10 DUTY OF DRIVER IN EMERGENCY RESPONSE AREAS) AND WHO IS
11 CONVICTED OF VIOLATING SECTION 3325 OR 3327 MAY BE SENTENCED
12 TO AN ADDITIONAL TERM NOT TO EXCEED FIVE YEARS' CONFINEMENT
13 WHEN THE VIOLATION RESULTED IN DEATH.

14 (2) The prosecution must indicate intent to proceed
15 under this section in the indictment or information which
16 commences the prosecution.

17 (3) The Pennsylvania Commission on Sentencing, pursuant
18 to 42 Pa.C.S. § 2154 (relating to adoption of guidelines for
19 sentencing), shall provide for a sentencing enhancement for
20 an offense under this section when the violation occurred in
21 an active work zone ~~or the victim was an emergency service~~ ←
22 ~~responder~~ [as defined in section 102] OR WAS THE RESULT OF A ←
23 VIOLATION OF SECTION 3325 OR 3327.

24 Section 3. Title 75 is amended by adding a section to read:
25 § 3732.1. Aggravated assault by vehicle.

26 (a) Offense.--Any person who recklessly or with gross
27 negligence causes serious bodily injury to another person while
28 engaged in the violation of any law of this Commonwealth or
29 municipal ordinance applying to the operation or use of a
30 vehicle or to the regulation of traffic, except section 3802

1 (relating to driving under influence of alcohol or controlled
2 substance), is guilty of aggravated assault by vehicle, a felony
3 of the third degree when the violation is the cause of the
4 injury.

5 (b) Sentencing.--

6 (1) In addition to any other penalty provided by law, a
7 person convicted of a violation of subsection (a) may be
8 sentenced to an additional term not to exceed two years'
9 confinement if at trial the prosecution proves beyond a
10 reasonable doubt that the offense occurred in an active work
11 zone ~~or the victim was an emergency service responder.~~ ←

12 (2) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A ←
13 PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) AS THE
14 RESULT OF A VIOLATION OF SECTION 3325 (RELATING TO DUTY OF
15 DRIVER ON APPROACH OF EMERGENCY VEHICLE) OR 3327 (RELATING TO
16 DUTY OF DRIVER IN EMERGENCY RESPONSE AREAS) AND WHO IS
17 CONVICTED OF VIOLATING SECTION 3325 OR 3327 MAY BE SENTENCED
18 TO AN ADDITIONAL TERM NOT TO EXCEED TWO YEARS' CONFINEMENT
19 WHEN THE VIOLATION RESULTED IN SERIOUS BODILY INJURY.

20 ~~(2)~~ (3) The prosecution must indicate intent to proceed ←
21 under this section in the indictment or information which
22 commences the prosecution.

23 ~~(3)~~ (4) The Pennsylvania Commission on Sentencing, under ←
24 42 Pa.C.S. § 2154 (relating to adoption of guidelines for
25 sentencing), shall provide for a sentencing enhancement for
26 an offense under this section when the violation occurred in
27 an active work zone ~~or the victim was an emergency service~~ ←
28 ~~responder~~ OR WAS THE RESULT OF A VIOLATION OF SECTION 3325 OR ←
29 3327.

30 SECTION 4. SECTIONS 3735.1(B), 3742(D), 3742.1(C) AND ←

1 3745.1 (A) OF TITLE 75 ARE AMENDED TO READ:

2 § 3735.1. AGGRAVATED ASSAULT BY VEHICLE WHILE DRIVING UNDER THE
3 INFLUENCE.

4 * * *

5 [(B) DEFINITION.--AS USED IN THIS SECTION, THE TERM "SERIOUS
6 BODILY INJURY" MEANS ANY BODILY INJURY WHICH CREATES A
7 SUBSTANTIAL RISK OF DEATH OR WHICH CAUSES SERIOUS, PERMANENT
8 DISFIGUREMENT OR PROTRACTED LOSS OR IMPAIRMENT OF THE FUNCTION
9 OF ANY BODILY MEMBER OR ORGAN.]

10 § 3742. ACCIDENTS INVOLVING DEATH OR PERSONAL INJURY.

11 * * *

12 [(D) DEFINITIONS.--AS USED IN THIS SECTION, THE TERM
13 "SERIOUS BODILY INJURY" MEANS ANY BODILY INJURY WHICH CREATES A
14 SUBSTANTIAL RISK OF DEATH OR WHICH CAUSES SERIOUS, PERMANENT
15 DISFIGUREMENT OR PROTRACTED LOSS OR IMPAIRMENT OF THE FUNCTION
16 OF ANY BODILY MEMBER OR ORGAN.]

17 § 3742.1. ACCIDENTS INVOLVING DEATH OR PERSONAL INJURY WHILE
18 NOT PROPERLY LICENSED.

19 * * *

20 [(C) DEFINITIONS.--AS USED IN THIS SECTION, THE TERM
21 "SERIOUS BODILY INJURY" MEANS ANY BODILY INJURY WHICH CREATES A
22 SUBSTANTIAL RISK OF DEATH OR WHICH CAUSES SERIOUS, PERMANENT
23 DISFIGUREMENT OR PROTRACTED LOSS OR IMPAIRMENT OF THE FUNCTION
24 OF ANY BODILY MEMBER OR ORGAN.]

25 § 3745.1. ACCIDENT SCENE CLEARANCE.

26 (A) GENERAL RULE.--NOTWITHSTANDING ANY OTHER PROVISION OF
27 LAW TO THE CONTRARY, THE DRIVER OF ANY VEHICLE IN AN ACCIDENT
28 THAT DOES NOT RESULT IN APPARENT SERIOUS BODILY INJURY OR DEATH
29 SHALL IMMEDIATELY REMOVE THE VEHICLE FROM THE ROADWAY TO A SAFE
30 REFUGE ON THE SHOULDER, EMERGENCY LANE OR MEDIAN OR TO A PLACE

1 OTHERWISE REMOVED FROM THE ROADWAY WHENEVER, IN THE JUDGMENT OF
2 THE DRIVER:

3 (1) THE MOTOR VEHICLE DOES NOT REQUIRE TOWING AND CAN BE
4 NORMALLY AND SAFELY DRIVEN UNDER ITS OWN POWER IN ITS
5 CUSTOMARY MANNER WITHOUT FURTHER DAMAGE OR HAZARD TO THE
6 MOTOR VEHICLE, TRAFFIC ELEMENTS OR THE ROADWAY.

7 (2) THE MOTOR VEHICLE CAN BE MOVED SAFELY.

8 * * *

9 Section 4 5. This act shall take effect in 60 days.

