

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 140 Session of  
2021

INTRODUCED BY MALONEY, LONGIETTI, SANCHEZ, SIMS, WHEELAND,  
D. WILLIAMS, MULLINS, KINSEY, HARKINS, HOHENSTEIN, SOLOMON,  
STEPHENS, DOWLING, WHITE, B. MILLER, DALEY, SCHMITT,  
T. DAVIS, INNAMORATO, KRAJEWSKI, O'MARA, HEFFLEY, KENYATTA,  
DELLOSO AND SAMUELSON, JANUARY 13, 2021

SENATOR LANGERHOLC, TRANSPORTATION, IN SENATE, AS AMENDED,  
JUNE 30, 2022

## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in rules of the road in general, further providing  
3 for additional parking regulations.

4 This act may be referred to as Susan's and Emily's Law.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Section ~~3354(d)(2.1) and (f)~~ 3354(D)(2.1), (F) <--

8 AND (H) of Title 75 of the Pennsylvania Consolidated Statutes

9 are amended and the section is amended by adding a subsection to

10 read:

11 § 3354. Additional parking regulations.

12 \* \* \*

13 (b.1) Protected pedestrian plazas and pedalcycle lanes.--

14 (1) When there is an on-street pedestrian plaza or a

15 pedalcycle lane adjacent to the right-hand curb of a two-way

16 or one-way highway, a vehicle standing or parked upon the

1 right-hand side of the two-way or one-way highway shall be  
2 positioned in the direction of authorized traffic movement  
3 with the right-hand wheels of the vehicle parallel to and  
4 within 12 inches of the outside line of the buffer area  
5 between the pedestrian plaza or pedalcycle lane and parking.

6 (2) When there is an on-street pedestrian plaza or a  
7 pedalcycle lane adjacent to the left-hand curb of a one-way  
8 or median-divided, two-way highway, a vehicle standing or  
9 parked upon the left-hand side of the highway shall be  
10 positioned in the direction of authorized traffic movement  
11 with the left-hand wheels of the vehicle parallel to and  
12 within 12 inches of the outside line of the buffer area  
13 between the pedestrian plaza or pedalcycle lane and parking.

14 (3) Nothing under this section shall be deemed to  
15 prevent a local authority from enacting parking regulations  
16 under section 6109 (relating to specific powers of department  
17 and local authorities) to provide for a special, alternative  
18 or temporary configuration and signage for parking on a  
19 highway with an on-street pedestrian plaza or pedalcycle  
20 lane.

21 (4) PRIOR TO DESIGN OR CONSTRUCTION OF A PROTECTED  
22 PEDESTRIAN PLAZA OR PEDALCYCLE LANE UNDER THIS SUBSECTION,  
23 THE POLITICAL SUBDIVISION AND DEPARTMENT SHALL PROVIDE  
24 DEFERENCE TO THE FOLLOWING:

<--

25 (I) BUSINESSES WHOSE FRONT OR REAR ENTRANCE IS  
26 FACING THE HIGHWAY FOR THE PURPOSES OF LOADING AND  
27 UNLOADING PROPERTY OR PASSENGERS.

28 (II) ELECTRIC VEHICLE CHARGING INFRASTRUCTURE.

29 (5) BEFORE A POLITICAL SUBDIVISION IN A COUNTY OF THE  
30 SECOND THROUGH EIGHTH CLASS MAY DESIGN OR CONSTRUCT A

1 PROTECTED PEDESTRIAN PLAZA OR PROTECTED PEDALCYCLE LANE UNDER  
2 THIS SUBSECTION, THE DEPARTMENT SHALL CERTIFY THAT THE  
3 POLITICAL SUBDIVISION IS COMPLIANT WITH AND IS ENFORCING ALL  
4 APPLICABLE PROVISIONS OF THIS TITLE. THE FOLLOWING SHALL  
5 APPLY:

6 (I) A POLITICAL SUBDIVISION THAT HAS AN ORDINANCE  
7 THAT IS INCONSISTENT WITH THIS TITLE OR CAUSES A  
8 VIOLATION OF THIS TITLE, INCLUDING ANY ORDINANCE THAT  
9 CREATES TIERED VIOLATIONS OF THIS TITLE, INCLUDING, BUT  
10 NOT LIMITED TO, PRIMARY OR SECONDARY VIOLATIONS, SHALL BE  
11 CONSIDERED TO BE A VIOLATION OF THIS SECTION.

12 (II) A POLITICAL SUBDIVISION THAT DIRECTS A POLICE  
13 OFFICER TO NOT ENFORCE THE PROVISIONS OF THIS TITLE SHALL  
14 BE CONSIDERED TO BE IN VIOLATION OF THIS SECTION.

15 (III) A POLITICAL SUBDIVISION THAT IS IN VIOLATION  
16 OF THIS PARAGRAPH MAY NOT CONSTRUCT A PROTECTED  
17 PEDESTRIAN PLAZA OR PEDALCYCLE LANE UNDER THIS  
18 SUBSECTION. THE POLITICAL SUBDIVISION MAY CONSTRUCT THE  
19 PROTECTED PEDESTRIAN PLAZA OR PEDALCYCLE LANE UNDER THIS  
20 SUBSECTION IF THE DEPARTMENT DETERMINES THAT THE  
21 POLITICAL SUBDIVISION IS COMPLIANT WITH THIS PARAGRAPH.

22 (6) BEFORE A POLITICAL SUBDIVISION IN A COUNTY OF THE  
23 FIRST CLASS MAY DESIGN OR CONSTRUCT A PROTECTED PEDESTRIAN  
24 PLAZA OR PROTECTED PEDALCYCLE LANE UNDER THIS SUBSECTION, THE  
25 FOLLOWING MUST OCCUR:

26 (I) THE DEPARTMENT CERTIFIES THAT THE POLITICAL  
27 SUBDIVISION IS COMPLIANT WITH AND IS ENFORCING ALL  
28 APPLICABLE PROVISIONS OF THIS TITLE. THE FOLLOWING SHALL  
29 APPLY:

30 (A) A POLITICAL SUBDIVISION THAT HAS AN

1           ORDINANCE THAT IS INCONSISTENT WITH THIS TITLE OR  
2           CAUSES A VIOLATION OF THIS TITLE, INCLUDING ANY  
3           ORDINANCE THAT CREATES TIERED VIOLATIONS OF THIS  
4           TITLE, INCLUDING, BUT NOT LIMITED TO, PRIMARY OR  
5           SECONDARY VIOLATIONS, SHALL BE CONSIDERED TO BE A  
6           VIOLATION OF THIS SECTION.

7           (B) A POLITICAL SUBDIVISION THAT DIRECTS A  
8           POLICE OFFICER TO NOT ENFORCE THE PROVISIONS OF THIS  
9           TITLE SHALL BE CONSIDERED TO BE IN VIOLATION OF THIS  
10          SECTION.

11          (C) A POLITICAL SUBDIVISION THAT IS IN VIOLATION  
12          OF THIS PARAGRAPH MAY NOT CONSTRUCT A PROTECTED  
13          PEDESTRIAN PLAZA OR PEDALCYCLE LANE UNDER THIS  
14          SUBSECTION. THE POLITICAL SUBDIVISION MAY CONSTRUCT  
15          THE PROTECTED PEDESTRIAN PLAZA OR PEDALCYCLE LANE  
16          UNDER THIS SUBSECTION IF THE DEPARTMENT DETERMINES  
17          THAT THE POLITICAL SUBDIVISION IS COMPLIANT WITH THIS  
18          PARAGRAPH.

19          (II) THE ATTORNEY GENERAL HAS APPOINTED A SPECIAL  
20          PROSECUTOR IN THE COUNTY OF THE FIRST CLASS TO  
21          INVESTIGATE AND INSTITUTE CRIMINAL PROCEEDINGS FOR A  
22          VIOLATION OF THE LAWS OF THIS COMMONWEALTH OCCURRING  
23          WITHIN A PUBLIC TRANSPORTATION AUTHORITY THAT SERVES AS  
24          THE PRIMARY PROVIDER OF PUBLIC PASSENGER TRANSPORTATION  
25          IN THE COUNTY OF THE FIRST CLASS. THE FOLLOWING SHALL  
26          APPLY:

27          (A) THE SPECIAL PROSECUTOR SHALL HAVE A MINIMUM  
28          OF THREE YEARS' EXPERIENCE IN CRIMINAL PROSECUTIONS  
29          WITHIN THIS COMMONWEALTH AND HAVE NOT BEEN EMPLOYED  
30          BY THE DISTRICT ATTORNEY'S OFFICE OF THE COUNTY OF

1           THE FIRST CLASS WITHIN SIX YEARS OF THE ENACTMENT OF  
2           THIS SECTION.

3           (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW  
4           OR REGULATION, THE SPECIAL PROSECUTOR SHALL HAVE THE  
5           AUTHORITY TO INVESTIGATE AND INSTITUTE CRIMINAL  
6           PROCEEDINGS FOR A VIOLATION OF THE LAWS OF THIS  
7           COMMONWEALTH. THE SPECIAL PROSECUTOR'S AUTHORITY  
8           SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

9                   (I) PARTICIPATING IN COURT PROCEEDINGS AND  
10                   ENGAGING IN ANY CRIMINAL LITIGATION, THAT THE  
11                   SPECIAL PROSECUTOR CONSIDERS NECESSARY.

12                   (II) APPEALING ANY DECISION OF A COURT IN  
13                   ANY CASE OR PROCEEDING IN WHICH THE SPECIAL  
14                   PROSECUTOR PARTICIPATES IN AN OFFICIAL CAPACITY.

15                   (III) REVIEWING ALL AVAILABLE EVIDENCE.

16                   (IV) MAKING APPLICATION TO THE APPROPRIATE  
17                   COURT FOR A GRANT OF IMMUNITY TO A WITNESS,  
18                   CONSISTENT WITH APPLICABLE STATUTORY  
19                   REQUIREMENTS, OR FOR WARRANTS, SUBPOENAS OR OTHER  
20                   COURT ORDERS.

21                   (V) INITIATING AND CONDUCTING PROSECUTIONS  
22                   IN ANY COURT OF COMPETENT JURISDICTION, FILING  
23                   INFORMATION AND HANDLING ALL ASPECTS OF ANY CASE  
24                   IN THE NAME OF THE COMMONWEALTH.

25           (C) NO PERSON CHARGED WITH A VIOLATION OF THE  
26           LAW BY THE SPECIAL PROSECUTOR SHALL HAVE STANDING TO  
27           CHALLENGE THE AUTHORITY OF THE SPECIAL PROSECUTOR TO  
28           PROSECUTE THE CASE, AND, IF ANY CHALLENGE IS MADE,  
29           THE CHALLENGE SHALL BE DISMISSED AND NO RELIEF SHALL  
30           BE AVAILABLE IN THE COURTS OF THIS COMMONWEALTH TO

1           THE INDIVIDUAL MAKING THE CHALLENGE.

2           (D) THE APPOINTED SPECIAL PROSECUTOR SHALL SERVE  
3           FOR THREE YEARS. THIS SUBSECTION SHALL NOT APPLY TO  
4           ANY CASE INSTITUTED THREE YEARS AFTER THE EFFECTIVE  
5           DATE OF THIS SUBSECTION.

6           (E) THE COUNTY OF THE FIRST CLASS MUST COMPLY  
7           WITH THIS SUBSECTION FOR THE DURATION OF THE SPECIAL  
8           PROSECUTOR'S APPOINTMENT.

9           (F) THE SPECIAL PROSECUTOR SHALL COMPILE A  
10          REPORT RELATED TO THE CRIMINAL ACTIVITY AND  
11          ADMINISTRATIVE PROCEEDINGS WITHIN A PUBLIC  
12          TRANSPORTATION AUTHORITY THAT SERVES AS THE PRIMARY  
13          PROVIDER OF PUBLIC PASSENGER TRANSPORTATION IN THE  
14          COUNTY OF THE FIRST CLASS. THE FOLLOWING SHALL APPLY:

15               (I) THE INITIAL REPORT SHALL BE SUBMITTED NO  
16               LATER THAN 90 DAYS FOLLOWING APPOINTMENT.  
17               FOLLOWING THE INITIAL REPORT, ANNUAL REPORTS  
18               SHALL BE SUBMITTED TO THE GENERAL ASSEMBLY.

19               (II) REPORTS SHALL BE SUBMITTED TO THE  
20               FOLLOWING:

21                       (A) THE PRESIDENT PRO TEMPORE OF THE  
22                       SENATE.

23                       (B) THE SPEAKER OF THE HOUSE OF  
24                       REPRESENTATIVES.

25                       (C) THE CHAIRPERSON AND MINORITY  
26                       CHAIRPERSON OF THE JUDICIARY COMMITTEE OF THE  
27                       SENATE.

28                       (D) THE CHAIRPERSON AND MINORITY  
29                       CHAIRPERSON OF THE JUDICIARY COMMITTEE OF THE  
30                       HOUSE OF REPRESENTATIVES.

1                   (E) THE CHAIRPERSON AND MINORITY  
2                   CHAIRPERSON OF THE TRANSPORTATION COMMITTEE  
3                   OF THE SENATE.

4                   (F) THE CHAIRPERSON AND MINORITY  
5                   CHAIRPERSON OF THE TRANSPORTATION COMMITTEE  
6                   OF THE HOUSE OF REPRESENTATIVES.

7                   (III) IF, AT ANY TIME, THE GENERAL ASSEMBLY  
8                   FINDS THE CONTENTS OF THE REPORT TO BE  
9                   UNSATISFACTORY, INCLUDING IF THE SPECIAL  
10                  PROSECUTOR HAS BEEN FOUND NOT TO REDUCE CRIME OR  
11                  RESULT IN SUCCESSFUL PROSECUTIONS, THE GENERAL  
12                  ASSEMBLY SHALL PASS A CONCURRENT RESOLUTION IN  
13                  OPPOSITION OF THE REPORT. FOLLOWING THE PASSAGE  
14                  OF THE CONCURRENT RESOLUTION, THE DEPARTMENT  
15                  SHALL PROHIBIT THE CONSTRUCTION OF PROTECTED  
16                  PEDESTRIAN PLAZAS AND PEDALCYCLE LANES IN THE  
17                  COUNTY OF THE FIRST CLASS UNTIL THE GENERAL  
18                  ASSEMBLY PASSES A CONCURRENT RESOLUTION IN  
19                  SUPPORT OF A SUBSEQUENT REPORT.

20                  (G) THE REQUIREMENTS UNDER THIS SUBPARAGRAPH  
21                  SHALL EXPIRE THREE YEARS FOLLOWING THE APPOINTMENT OF  
22                  THE SPECIAL PROSECUTOR.

23                  \* \* \*

24                  (d) Person with a disability and disabled veterans.--

25                  \* \* \*

26                  (2.1) Local authorities may limit access to a parking  
27                  space reserved under paragraph (2) to a specific vehicle,  
28                  license plate or other method of designation. Under this  
29                  paragraph, local authorities may charge a reasonable fee and  
30                  shall comply with section 6109 [(relating to specific powers

of department and local authorities)] and the Americans with  
Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

\* \* \*

(f) Penalty.--A person violating subsection (a), (b), (b.1)  
or (d)(1) is guilty of a summary offense and shall, upon  
conviction, be sentenced to pay a fine of not more than \$15. A  
person violating subsection (d)(2) or (3) or (e) is guilty of a  
summary offense and shall, upon conviction, be sentenced to pay  
a fine of not less than \$50 nor more than \$200. If a person is  
convicted under subsection (d)(2) or (3) in the absence of a  
sign stating the penalty amount, the fine imposed may not exceed  
\$50. A person violating subsection (d.1) is guilty of a summary  
offense and shall, upon conviction, be sentenced to pay a fine  
of not less than \$100 nor more than \$300.

\* \* \*

(H) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE: <--

"ACCESS AISLE." A PHYSICAL AREA MARKED IN ACCORDANCE WITH  
DEPARTMENTAL REGULATIONS:

(1) DESIGNATED BY WHITE OR BLUE PAVEMENT MARKING HASH  
MARKS, CROSS-HATCHING OR OTHER SIMILAR VISUAL NO-PARKING  
INDICATORS;

(2) WHICH PROVIDES ADDITIONAL SPACE FOR A PERSON USING A  
WHEELCHAIR, WHEELCHAIR LIFT OR OTHER MOBILITY DEVICE; AND

(3) WHICH IS LOCATED ADJACENT TO A PARKING SPACE  
RESERVED FOR A PERSON WITH A DISABILITY.

"PERSON WITH A DISABILITY." A PERSON ISSUED A PLATE OR  
PLACARD.

"PLATE OR PLACARD." A PLATE OR PLACARD ISSUED UNDER:



1           (1)   SECTION 1338 (RELATING TO PERSON WITH DISABILITY  
2   PLATE AND PLACARD) .

3           (2)   SECTION 1342 (A) OR (B) (RELATING TO VETERAN PLATES  
4   AND PLACARD) .

5   "POLITICAL SUBDIVISION."   A COUNTY, CITY, BOROUGH,  
6 INCORPORATED TOWN, TOWNSHIP OR HOME RULE MUNICIPALITY IN THIS  
7 COMMONWEALTH.

8       Section 2.   This act shall take effect in 60 days.