

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2320

Session of
2000

INTRODUCED BY GEIST, BATTISTO, HESS, DeLUCA, PHILLIPS, PIPPY, BAKER, BARD, BARRAR, BASTIAN, BELARDI, BELFANTI, BUNT, CLYMER, L. I. COHEN, COSTA, DALLY, DEMPSEY, DRUCE, FICHTER, FLICK, GODSHALL, HERSHEY, LAUGHLIN, LEH, LYNCH, MANDERINO, MARSICO, McCALL, McGILL, McNAUGHTON, MICOZZIE, R. MILLER, PISTELLA, READSHAW, ROHRER, RUBLEY, SAYLOR, SEYFERT, SHANER, S. H. SMITH, STABACK, STEIL, STEVENSON, STRITTMATTER, E. Z. TAYLOR, THOMAS, TULLI, VAN HORNE, WILT, WOJNAROSKI, ZIMMERMAN, ZUG, MAHER, MELIO, STAIRS AND YOUNGBLOOD, MARCH 7, 2000

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 20, 2000

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for emergency vehicle lighting;
3 and providing for penalties.

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

6 Section 1. The definition of "emergency vehicle" in section
7 102 of Title 75 of the Pennsylvania Consolidated Statutes is
8 amended and the section is amended by adding definitions to
9 read:

10 § 102. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this title which are applicable to specific
13 provisions of this title, the following words and phrases when
14 used in this title shall have, unless the context clearly

1 indicates otherwise, the meanings given to them in this section:

2 * * *

3 "Ambulance." Any vehicle which is specifically designed,
4 constructed or modified and equipped, and is used or intended to
5 be used, and is maintained or operated, for the purpose of
6 providing emergency medical care to, and transportation of,
7 human patients. The term includes advanced or basic life support
8 vehicles that may or may not transport such patients.

9 * * *

10 "Blood delivery vehicle." Any vehicle which is used or
11 intended to be used, and is maintained or operated, for the
12 purpose of transporting blood or blood products on an emergency
13 basis.

14 * * *

15 ["Emergency vehicle." A fire department vehicle, police
16 vehicle, sheriff vehicle, ambulance, blood-delivery vehicle,
17 hazardous material response vehicle, armed forces emergency
18 vehicle, one vehicle operated by a coroner or chief county
19 medical examiner and one vehicle operated by a chief deputy
20 coroner or deputy chief county medical examiner used for
21 answering emergency calls, or any other vehicle designated by
22 the State Police under section 6106 (relating to designation of
23 emergency vehicles by Pennsylvania State Police), or a privately
24 owned vehicle used in answering an emergency call when used by
25 any of the following:

26 (1) A police chief and assistant chief.

27 (2) A fire chief, assistant chief and, when a fire
28 company has three or more fire vehicles, a second or third
29 assistant chief.

30 (3) A fire police captain and fire police lieutenant.

(4) An ambulance corps commander and assistant commander.

(5) A river rescue commander and assistant commander.

(6) A county emergency management coordinator.

(7) A fire marshal.

(8) A rescue service chief and assistant chief.]

"Emergency vehicle." A fire department vehicle, police vehicle, sheriff vehicle, ambulance, blood delivery vehicle, human organ delivery vehicle or hazardous material response vehicle.

* * *

"Fire department vehicle." A vehicle owned or leased by an organized paid or volunteer fire department.

"Fish and Boat Commission vehicle." A vehicle owned or leased by the Pennsylvania Fish and Boat Commission and used for the purpose of law enforcement under 30 Pa.C.S. (relating to fish).

* * *

Game Commission vehicle." A vehicle owned or leased by the Pennsylvania Game Commission and used for the purpose of law enforcement under 34 Pa.C.S. (relating to game).

* * *

"Hazardous material response vehicle." A vehicle owned or leased by a hazardous material response team certified through the Pennsylvania Emergency Management Agency.

* * *

"Human organ delivery vehicle." Any vehicle which is used or intended to be used, and is maintained or operated, for the purpose of transporting human organs or tissue on an emergency basis.

1 * * *

2 "Police vehicle." A vehicle owned or leased by the
3 Commonwealth, the Federal Government or a municipal government
4 and used for the purpose of law enforcement by the Pennsylvania
5 State Police, the Federal Government or a municipal police
6 department.

7 * * *

8 "Privately owned emergency vehicle." A privately owned
9 vehicle registered as an emergency vehicle and used to answer
10 emergency calls when operated by any of the following persons:

11 (1) A police chief and assistant police chief of a
12 municipal police department.

13 (2) A fire chief and assistant fire chief of a fire
14 department.

15 (3) A fire police captain and fire police lieutenant.

16 (4) An ambulance corps commander and assistant
17 commander.

18 (5) A river rescue commander and assistant commander.

19 (6) A county emergency management coordinator as
20 designated by the Pennsylvania Emergency Management Agency.

21 (7) A county fire marshal.

22 "Public Utility Commission vehicle." A vehicle owned or
23 leased by the Pennsylvania Public Utility Commission and used
24 for the purpose of law enforcement under 66 Pa.C.S. (relating to
25 public utilities).

26 * * *

27 "Sheriff vehicle." A vehicle owned or leased by a county
28 sheriff department.

29 * * *

30 Section 2. Sections 3105, 3107, 3111, 3310 and 3325 of Title

1 75 are amended to read:

2 § 3105. Drivers of emergency vehicles.

3 (a) General rule.--The driver of an emergency vehicle or
4 privately owned emergency vehicle, when responding to an
5 emergency call or when in the pursuit of an actual or suspected
6 violator of the law or when responding to but not upon returning
7 from a fire alarm or other emergency call, may exercise the
8 privileges set forth in this section, but subject to the
9 conditions stated in this section.

10 (b) Exercise of special privileges.--[The] Except as
11 otherwise provided in this section, the driver of an emergency
12 vehicle or privately owned emergency vehicle may:

13 (1) Park or stand, irrespective of the provisions of
14 this part.

15 (2) Proceed past a red signal indication or stop sign,
16 but only after slowing down as may be necessary for safe
17 operation, except as provided in subsection (d).

18 (3) Exceed the maximum speed limits so long as the
19 driver does not endanger life or property, except as provided
20 in subsection (d).

21 (4) Disregard regulations governing direction of
22 movement, overtaking vehicles or turning in specified
23 directions.

24 (c) Audible and visual signals required.--The privileges
25 granted in this section to an emergency vehicle or privately
26 owned emergency vehicle shall apply only when the vehicle is
27 making use of an audible signal and visual signals meeting the
28 requirements and standards set forth in regulations adopted by
29 the department[, except that an emergency vehicle operated as a
30 police vehicle need not be equipped with or display the visual

1 signals. An ambulance which is transporting a patient may use
2 either the lights or the audible warning system, or both, as
3 determined by the driver of the ambulance].

4 (d) Ambulances [and blood-delivery], blood delivery vehicles
5 and human organ delivery vehicles.--The driver of an ambulance
6 [or blood-delivery], blood delivery vehicle or human organ
7 delivery vehicle shall comply with maximum speed limits, red
8 signal indications and stop signs. After ascertaining that the
9 ambulance [or blood-delivery], blood delivery vehicle or human
10 organ delivery vehicle will be given the right-of-way, the
11 driver may proceed through a red signal indication or stop sign.

12 (e) Exercise of care.--This section does not relieve the
13 driver of an emergency vehicle or privately owned emergency
14 vehicle from the duty to drive with due regard for the safety of
15 all persons.

16 (f) Pedalcycles.--No part of this [title] section shall be
17 construed to restrict the operation of a pedalcycle used by a
18 police officer during the course of performing official duties.
19 § 3107. Drivers in funeral processions.

20 (a) General rule.--The driver of a vehicle which is being
21 driven in a funeral procession may:

22 (1) Park or stand irrespective of the provisions of this
23 part.

24 (2) Proceed past a red signal indication or stop sign if
25 the lead vehicle in the procession started through the
26 intersection while the signal indicator was green or, in the
27 case of a stop sign, the lead vehicle first came to a
28 complete stop before proceeding through the intersection.

29 (b) Visual signals required.--The privileges granted by this
30 section shall apply only if each vehicle in the funeral

1 procession displays lighted head lamps and emergency flashers
2 and bears a flag or other insignia designating it as part of a
3 funeral procession.

4 (c) Right-of-way to emergency vehicles and privately owned
5 emergency vehicles.--This section does not relieve the driver of
6 a vehicle which is being driven in a funeral procession from
7 yielding the right-of-way to an emergency vehicle or privately
8 owned emergency vehicle making use of audible [or] and visual
9 signals, nor from the duty to drive with due regard for the
10 safety of all persons.

11 § 3111. Obedience to traffic-control devices.

12 (a) General rule.--Unless otherwise directed by a uniformed
13 police officer or any appropriately attired person authorized to
14 direct, control or regulate traffic, the driver of any vehicle
15 shall obey the instructions of any applicable official traffic-
16 control device placed or held in accordance with the provisions
17 of this title, subject to the privileges granted the driver of
18 an [authorized] emergency vehicle or privately owned emergency
19 vehicle in this title.

20 (b) Proper position and legibility of device.--No provision
21 of this title for which official traffic-control devices are
22 required shall be enforced against an alleged violator if at the
23 time and place of the alleged violation an official device is
24 not in proper position and sufficiently legible to be seen by an
25 ordinarily observant person. Whenever a particular section does
26 not state that official traffic-control devices are required,
27 the section shall be effective even though no devices are
28 erected or in place.

29 (c) Presumption of authorized placement.--Whenever official
30 traffic-control devices are placed or held in position

1 approximately conforming to the requirements of this title, the
2 devices shall be presumed to have been so placed by the official
3 act or direction of lawful authority, unless the contrary shall
4 be established by competent evidence.

5 (d) Presumption of proper devices.--Any official traffic-
6 control device placed or held pursuant to the provisions of this
7 title and purporting to conform to the lawful requirements
8 pertaining to such devices shall be presumed to comply with the
9 requirements of this title, unless the contrary shall be
10 established by competent evidence.

11 § 3310. Following too closely.

12 (a) General rule.--The driver of a motor vehicle shall not
13 follow another vehicle more closely than is reasonable and
14 prudent, having due regard for the speed of the vehicles and the
15 traffic upon and the condition of the highway.

16 (b) Combinations of vehicles and trucks.--The driver of any
17 motor vehicle drawing another vehicle or of any truck when
18 traveling upon a roadway outside of an urban district and
19 following a motor vehicle drawing another vehicle or following a
20 truck shall, whenever conditions permit, leave sufficient space
21 so that an overtaking vehicle may enter and occupy the space
22 without danger, except that this subsection does not prevent a
23 motor vehicle drawing another vehicle or prevent a truck from
24 overtaking and passing any vehicle or combination of vehicles.

25 (c) Caravans and motorcades.--Upon any roadway outside of an
26 urban district, motor vehicles being driven in a caravan or
27 motorcade, whether or not towing other vehicles, shall be so
28 operated as to allow sufficient space between each vehicle or
29 combination of vehicles so as to enable any other vehicle to
30 enter and occupy space without danger. This subsection does not

1 apply to funeral processions, which shall not be interrupted by
2 any vehicle other than an emergency vehicle or privately owned
3 emergency vehicle.

4 § 3325. Duty of driver on approach of emergency vehicle
5 or privately owned emergency vehicle.

6 (a) General rule.--Upon the immediate approach of an
7 emergency vehicle or privately owned emergency vehicle making
8 use of an audible signal and visual signals meeting the
9 requirements and standards set forth in regulations adopted by
10 the department, [or of a police vehicle properly and lawfully
11 making use of an audible signal only,] the driver of every other
12 vehicle shall yield the right-of-way and shall immediately drive
13 to a position parallel to, and as close as possible to, the
14 right-hand edge or curb of the roadway clear of any intersection
15 and shall stop and remain in that position until the emergency
16 vehicle or privately owned emergency vehicle has passed, except
17 when otherwise directed by a police officer or an appropriately
18 attired person authorized to direct, control or regulate
19 traffic. On one-way roadways a driver may comply by driving to
20 the edge or curb which is nearest to the lane in which he is
21 traveling.

22 (b) Duty of operator of streetcar.--Upon the approach of an
23 emergency vehicle or privately owned emergency vehicle, the
24 operator of every streetcar shall immediately stop the streetcar
25 clear of any intersection and remain in that position until the
26 emergency vehicle or privately owned emergency vehicle has
27 passed, except when otherwise directed by a police officer[.] or
28 an appropriately attired person authorized to direct, control or
29 regulate traffic.

30 (c) Defense.--It is a defense to prosecution under this

section if a defendant can show by a preponderance of the evidence that the failure to stop immediately for the police vehicle was based on a good faith concern for personal safety. In determining whether the defendant has met this burden, the court may consider the following factors:

(1) the time and location of the event;

(2) the type of police vehicle used;

(3) the defendant's conduct while being followed by the police vehicle;

(4) whether the defendant stopped at the first available reasonably lighted or populated area; and

(5) any other factor considered relevant by the court.

Section 3. Title 75 is amended by adding a section to read:

§ 3327. Unmarked police vehicles.

(a) General rule.--The Pennsylvania State Police, in consultation with the department, shall promulgate regulations for the use of unmarked police vehicles. The regulations shall:

(1) establish the procedure to be used by a police officer in an unmarked police vehicle when stopping a motorist;

(2) require the use of audible and visual signals which meet the requirements and standards set forth in this title and in regulations adopted by the department; and

(3) establish requirements for the wearing of an official police uniform and the display of official police identification.

(b) Public awareness.--The Pennsylvania State Police and the department shall provide for the dissemination of information to the public regarding the use of unmarked police vehicles. Such information shall accompany annual vehicle registration or

1 vehicle registration renewal forms distributed by the
2 department.

3 Section 4. Sections 3548, 3733, 4306, 4571, 4572 and 6106 of
4 Title 75 are amended to read:

5 § 3548. Pedestrians to yield to authorized emergency vehicles
6 or privately owned emergency vehicles.

7 (a) General rule.--Upon the immediate approach of an
8 [authorized] emergency vehicle or privately owned emergency
9 vehicle making use of audible and visual signals meeting the
10 requirements of this title, [or of a police vehicle properly and
11 lawfully making use of an audible signal only,] every pedestrian
12 shall yield the right-of-way to the [authorized] emergency
13 vehicle or privately owned emergency vehicle.

14 (b) Exercise of care by driver.--This section does not
15 relieve the driver of an [authorized] emergency vehicle or
16 privately owned emergency vehicle from the duty to drive with
17 due regard for the safety of all persons using the highway nor
18 from the duty to exercise due care to avoid colliding with any
19 pedestrian.

20 § 3733. Fleeing or attempting to elude police officer.

21 (a) Offense defined.--Any driver of a motor vehicle who
22 willfully fails or refuses to bring his vehicle to a stop, or
23 who otherwise flees or attempts to elude a pursuing police
24 officer, when given a visual [or] and audible signal to bring
25 the vehicle to a stop, commits a misdemeanor of the second
26 degree. Any driver upon conviction shall pay an additional fine
27 of \$500. This fine shall be in addition to and not in lieu of
28 all other fines, court expenses, jail sentences or penalties.

29 (a.1) Disposition of fines, etc.--The fines imposed and
30 collected under subsection (a) shall not be subject to 42

1 Pa.C.S. § 3733 (relating to deposits into account). The fines
2 imposed and collected under subsection (a) shall be distributed
3 in the manner provided in 42 Pa.C.S. § 3571(b)(2) and (3)
4 (relating to Commonwealth portion of fines, etc.).

5 (b) Signal by police officer.--The signal given by the
6 police officer may be by hand, voice, emergency lights or siren.

7 (c) Defenses.--

8 (1) It is a defense to a prosecution under this section
9 that the pursuing police vehicle was not clearly identifiable
10 by its markings or, if unmarked, was not occupied by a police
11 officer who was in uniform and displaying a badge or other
12 sign of authority.

13 (2) It is a defense to prosecution under this section if
14 a defendant can show by a preponderance of the evidence that
15 the failure to stop immediately for a police vehicle was
16 based on a good faith concern for personal safety. In
17 determining whether the defendant has met this burden, the
18 court may consider the following factors:

19 (i) the time and location of the event;

20 (ii) the type of police vehicle used;

21 (iii) the defendant's conduct while being followed
22 by the police vehicle;

23 (iv) whether the defendant stopped at the first
24 available reasonably lighted or populated area; and

25 (v) any other factor considered relevant by the
26 court.

27 § 4306. Use of multiple-beam road lighting equipment.

28 (a) Approaching an oncoming vehicle.--Whenever the driver of
29 a vehicle approaches an oncoming vehicle within 500 feet, the
30 driver shall use the low beam of light.

1 (b) Approaching a vehicle from rear.--Whenever the driver of
2 a vehicle approaches another vehicle from the rear within 300
3 feet, the driver shall use the low beam of light.

4 (c) Exception.--

5 (1) [A police or sheriff vehicle] An emergency vehicle
6 which is equipped with a flashing headlamp system that
7 conforms to regulations promulgated by the department shall
8 be exempt from the provisions of this section only when the
9 vehicle is being used pursuant to the provisions of section
10 4571(e) (relating to visual and audible signals on emergency
11 vehicles).

12 (2) Nothing in this section shall limit drivers from
13 flashing high beams at oncoming vehicles as a warning of
14 roadway emergencies or other dangerous or hazardous
15 conditions ahead.

16 § 4571. Visual and audible signals on emergency vehicles and
17 privately owned emergency vehicles.

18 (a) General rule.--Every emergency vehicle and privately
19 owned emergency vehicle shall be equipped with one or more
20 revolving or flashing red lights and an audible warning system.
21 Spotlights with adjustable sockets may be attached to or mounted
22 on emergency vehicles and privately owned emergency vehicles.

23 (b) Police[, sheriff, fire and coroner or medical examiner]
24 vehicles.--

25 (1) Police[, sheriff, coroner, medical examiner or fire
26 police] vehicles may in addition to the requirements of
27 subsection (a) be equipped with one or more revolving or
28 flashing blue lights. The combination of red and blue lights
29 may be used only on police[, sheriff, coroner, medical
30 examiner or fire police] vehicles.

1 (2) Unmarked police vehicles, used as emergency vehicles
2 and equipped with audible warning systems, [may] shall be
3 equipped with the lights described in this section.

4 (b.1) Mounted lights; additional equipment.--

5 [3] (1) Police, sheriff and fire vehicles may be
6 equipped with a mounted rack containing one or more emergency
7 warning lights or side mounted floodlights or alley lights or
8 all such lights[.], in conformance with department
9 regulations.

10 (2) Additional visual or audible warning signal
11 equipment, including, but not limited to, flashing headlamp
12 system, flashing or revolving white or clear lights, steady
13 burning lights, traffic-control emergency directional light
14 assembly, amber lights and intersection lights, may be
15 utilized on emergency vehicles in accordance with regulations
16 promulgated by the department.

17 (c) Game Commission and Fish and Boat Commission vehicles.--

18 (1) A vehicle owned or leased by the Pennsylvania Game
19 Commission or the Pennsylvania Fish and Boat Commission may
20 be equipped with one or more revolving or flashing red
21 lights, mounted in accordance with regulations promulgated by
22 the department, AND AN AUDIBLE WARNING SYSTEM. <—

23 (2) A Game Commission vehicle equipped with lights AND <—
24 AN AUDIBLE WARNING SYSTEM as authorized by this section shall
25 be used only for the purpose of law enforcement under 34
26 Pa.C.S. (relating to game).

27 (3) A Fish and Boat Commission vehicle equipped with
28 lights AND AN AUDIBLE WARNING SYSTEM as authorized by this <—
29 section shall be used only for the purposes of law
30 enforcement under 30 Pa.C.S. (relating to fish).

1 [(c.1) Public Utility Commission vehicles.--Vehicles owned
2 or operated by the Pennsylvania Public Utility Commission and
3 used in the enforcement of 66 Pa.C.S. Chs. 23 (relating to
4 common carriers) and 25 (relating to contract carrier by motor
5 vehicle and broker) may be equipped with revolving or flashing
6 red lights in accordance with subsection (a).]

7 (d) Vehicles prohibited from using signals.--Except as
8 otherwise specifically provided in this part, no vehicle other
9 than an emergency vehicle may be equipped with revolving or
10 flashing lights or audible warning systems identical or similar
11 to those specified in subsections (a) and (b). A person who
12 equips or uses a vehicle with visual or audible warning systems
13 in violation of this section commits a misdemeanor of the first
14 degree.

15 (e) Authorized period of use.--The lights and warning
16 systems specified by this section may be used only during an
17 emergency, or in the interest of public safety [and], or by
18 police officers[, sheriffs] and [deputy sheriffs] officers of
19 the Pennsylvania Game Commission and Pennsylvania Fish and Boat
20 Commission in enforcement of the law. [An ambulance which is
21 transporting a patient may use either the lights or the audible
22 warning system, or both, as determined by the driver of the
23 ambulance.] Unauthorized use of the lights and warning systems
24 specified by this section shall be a misdemeanor of the first
25 degree.

26 (f) Conformity with department regulations.--All equipment
27 authorized or required by this section shall conform to
28 department regulations.

29 § 4572. Visual signals on authorized vehicles.

30 (a) Flashing or revolving blue lights.--Ambulance personnel,

1 volunteer firefighters and owners and handlers of dogs used in
2 tracking humans may each equip one motor vehicle with no more
3 than two flashing or revolving blue lights.

4 (1) In order to be eligible to display lights on their
5 vehicles under this subsection, the names of the ambulance
6 personnel and volunteer firefighters shall be submitted to
7 the nearest station of the Pennsylvania State Police on a
8 list signed by the chief of the ambulance or fire department
9 or company and each dog owner and handler shall register at
10 the nearest Pennsylvania State Police station.

11 (2) The manner in which the lights are displayed and
12 their intensity shall be determined by regulation of the
13 department.

14 (3) The lights shall be operable by the driver from
15 inside the vehicle.

16 (4) The lights may be used only while en route to or at
17 the scene of a fire or emergency call.

18 (5) The lights shall be removed from the vehicle [within
19 ten days of] immediately upon receipt of notice from the
20 chief of the ambulance or fire department or company to
21 remove the lights upon termination of the person's status as
22 an active volunteer firefighter or ambulance person or upon
23 termination of the person's active status as a dog owner or
24 handler, or when the vehicle is no longer used in connection
25 with the person's duties as a volunteer firefighter or
26 ambulance person or dog owner or handler.

27 (6) This subsection does not relieve the driver from the
28 duty to drive with due regard for the safety of all persons
29 nor exempt the driver from complying with all provisions of
30 this title.

(b) Flashing or revolving yellow lights.--Vehicles authorized pursuant to the provisions of sections 6106 (relating to designation of emergency vehicles by Pennsylvania State Police) and 6107 (relating to designation of authorized vehicles by department), tow trucks, vehicles used for snow removal and Public Utility Commission vehicles may be equipped with [no more than two] one or more flashing or revolving yellow lights. The manner in which the light or lights shall be displayed and the intensity shall be determined by regulation of the department.

(c) Vehicles prohibited from using lights.--No vehicle other than a duly authorized vehicle may be equipped with lights identical or similar to those specified in subsections (a) and (b). A person who equips or uses a vehicle with visual systems in violation of this section commits a misdemeanor of the second degree.

§ 6106. Designation of emergency vehicles by Pennsylvania State Police.

(a) General rule.--The Pennsylvania State Police may designate any vehicle or group of vehicles as emergency vehicles upon a finding that the designation is necessary to the preservation of life or property or to the execution of emergency governmental functions.

(b) Exception.--Vehicles designated as emergency vehicles under this section shall not display or be equipped with a combination of red and blue lights.

~~[(b)]~~ (c) Manner and carrying of designation.--The designation shall be in writing and the written designation shall be carried in the vehicle at all times[, but failure to carry the written designation shall not affect the status of the vehicle as an emergency vehicle].

1 Section 5. This act shall take effect in 60 days.