

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 294 Session of
2001

INTRODUCED BY McCALL, CAPPABIANCA, GEIST, LAUGHLIN, M. COHEN,
COY, CRUZ, MELIO, STABACK AND TRELLO, JANUARY 30, 2001

REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 30, 2001

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for duty of driver on approach of
3 emergency vehicle.

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

6 Section 1. Section 3325 of Title 75 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subsection to read:

8 § 3325. Duty of driver on approach of emergency vehicle.

9 * * *

10 (c) Defense.--It is a defense to prosecution under this
11 section if the defendant can show by a preponderance of the
12 evidence that the failure to stop immediately for a police
13 vehicle was based on a good faith concern for his or her
14 personal safety. In determining whether the defendant has met
15 this burden, the court shall consider the time and location the
16 events took place, the defendant's conduct while being followed
17 and whether the defendant stopped at the first available
18 reasonably lighted and populated area.

Section 2. Sections 3733(c) and 4571(b) of Title 75 are amended to read:

§ 3733. Fleeing or attempting to elude police officer.

* * *

(c) Defenses.--It is a defense to a prosecution under this section:

(1) that the pursuing police vehicle was not clearly identifiable by its markings or, if unmarked, was not occupied by a police officer who was in uniform and displaying a badge or other sign of authority[.]; or

(2) if the defendant can show by a preponderance of the evidence that the defendant's failure to stop immediately was based on a good faith concern for the defendant's personal safety. In determining whether the defendant has met this burden, the court shall consider the time and location where the events took place, the defendant's conduct while being followed and whether the defendant stopped at the first available reasonably lighted and populated area.

§ 4571. Visual and audible signals on emergency vehicles.

* * *

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

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

(2) Unmarked police and sheriff vehicles, used as emergency vehicles and equipped with audible warning systems,

1 may be equipped with [the lights described in this section] a
2 combination of red and blue lights.

3 (3) Police, sheriff and fire vehicles may be equipped
4 with a mounted rack containing one or more emergency warning
5 lights or side mounted floodlights or alley lights or all
6 such lights.

7 * * *

8 Section 3. This act shall take effect in 90 days.