

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 48

Session of  
1995

INTRODUCED BY GEIST, FARMER, HERMAN, D. R. WRIGHT, McCALL,  
BATTISTO, CIVERA, TRELLO, YOUNGBLOOD, MASLAND, MILLER,  
JOSEPHS, TRUE, MELIO, PRESTON, STAIRS, PETTIT, ZUG, MERRY,  
STURLA, HERSHEY, STEELMAN AND CAPPABIANCA, FEBRUARY 7, 1995

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, FEBRUARY 27, 1995

## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, FURTHER DEFINING "PEDALCYCLES"; further providing <—  
3 for the operation of pedalcycles on Commonwealth highways, <—  
4 FOR PEDALCYCLE HELMETS, FOR THE USE OF HEARING IMPAIRMENT  
5 DEVICES AND FOR HAND AND ARM SIGNALS; REPEALING THE  
6 PEDALCYCLE HELMET FUND; and providing for the establishment  
7 of the Pennsylvania Bicycle PEDALCYCLE and Pedestrian <—  
8 Advisory Committee.

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

11 ~~Section 1. Section 3105 of Title 75 of the Pennsylvania~~ <—  
12 ~~Consolidated Statutes is amended by adding a subsection to read:~~

13 SECTION 1. THE DEFINITION OF "PEDALCYCLE" IN SECTION 102 OF <—  
14 TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO  
15 READ:

16 § 102. DEFINITIONS.

17 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT  
18 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC  
19 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN

1 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY  
2 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

3 \* \* \*

4 "PEDALCYCLE." A VEHICLE PROPELLED SOLELY BY HUMAN-POWERED  
5 PEDALS. THE TERM DOES NOT MEAN A THREE-WHEELED HUMAN-POWERED  
6 PEDAL-DRIVEN VEHICLE WITH A MAIN DRIVING WHEEL 20 INCHES IN  
7 DIAMETER OR UNDER AND PRIMARILY DESIGNED FOR CHILDREN SIX YEARS  
8 OF AGE OR YOUNGER.

9 \* \* \*

10 SECTION 2. SECTION 3105 OF TITLE 75 IS AMENDED BY ADDING A  
11 SUBSECTION TO READ:

12 § 3105. Drivers of emergency vehicles.

13 \* \* \*

14 (f) Pedalcycles.--No part of this title shall be construed  
15 to restrict the operation of a pedalcycle used by a police  
16 officer during the course of performing official duties.

17 ~~Section 2. Sections 3504 and 3505 of Title 75 are amended to~~ <—  
18 ~~read:~~

19 SECTION 3. SECTIONS 3314, 3336, 3504, 3505 AND 3507(A) OF <—  
20 TITLE 75 ARE AMENDED TO READ:

21 § 3314. PROHIBITING USE OF HEARING IMPAIRMENT DEVICES.

22 (A) GENERAL RULE.--NO [DRIVER] PERSON SHALL OPERATE A  
23 VEHICLE WHILE WEARING OR USING ONE OR MORE HEADPHONES[, ] OR  
24 EARPHONES. [OR ANY SIMILAR DEVICE WHICH THE DEPARTMENT BY  
25 REGULATION DETERMINES WOULD IMPAIR THE ABILITY OF THE DRIVER TO  
26 HEAR TRAFFIC SOUNDS.]

27 (B) EXCEPTION.--THIS SECTION DOES NOT PROHIBIT THE USE OF  
28 HEARING AIDS OR OTHER DEVICES FOR IMPROVING THE HEARING OF THE  
29 [DRIVER] PERSON NOR DOES IT PROHIBIT THE USE OF COMMUNICATION  
30 EQUIPMENT BY THE DRIVER OF [A FIRE VEHICLE] AN EMERGENCY VEHICLE

1 OR BY MOTORCYCLE OPERATORS COMPLYING WITH SECTION 3525 (RELATING  
2 TO PROTECTIVE EQUIPMENT FOR MOTORCYCLE RIDERS).

3 § 3336. METHOD OF GIVING HAND AND ARM SIGNALS.

4 ALL SIGNALS GIVEN BY HAND AND ARM SHALL BE GIVEN FROM THE  
5 LEFT SIDE OF THE VEHICLE IN THE FOLLOWING MANNER EXCEPT AS  
6 INDICATED FOR PEDALCYCLES AND MOTORCYCLES AND THE SIGNALS SHALL  
7 INDICATE AS FOLLOWS:

8 (1) FOR A LEFT TURN, THE HAND AND ARM SHALL BE EXTENDED  
9 HORIZONTALLY.

10 (2) FOR A RIGHT TURN, THE LEFT HAND AND ARM SHALL BE  
11 EXTENDED UPWARD[.], EXCEPT THAT OPERATORS OF MOTORCYCLES AND  
12 PEDALCYCLES MAY ALSO BE PERMITTED TO SIGNAL A RIGHT TURN BY  
13 EXTENDING THE RIGHT HAND AND ARM HORIZONTALLY.

14 (3) TO STOP OR DECREASE SPEED, THE LEFT HAND AND ARM  
15 SHALL BE EXTENDED DOWNWARD.

16 § 3504. Riding on pedalcycles.

17 (a) Use of seat by operator.--A person propelling a  
18 pedalcycle shall not ride other than upon or astride a permanent  
19 and regular seat attached to the pedalcycle.

20 (b) Number of riders.--No pedalcycle shall be used to carry  
21 more persons at one time than the number for which the  
22 pedalcycle is designed and equipped except that an adult rider  
23 may [carry a child securely attached to the rider in a back pack  
24 or sling] transport a child in a ~~carrier~~ RESTRAINING SEAT which <—  
25 is securely attached to the pedalcycle or in a ~~child~~ trailer <—  
26 which is ~~securely attached to the~~ TOWED BY A pedalcycle. <—

27 § 3505. Riding on roadways and pedalcycle paths.

28 [(a) General rule.--Except as provided in subsection (b),  
29 every person operating a pedalcycle upon a roadway shall ride as  
30 near to the right side of the roadway as practicable, exercising

1 due care when passing a standing vehicle or one proceeding in  
2 the same direction.

3 (b) One-way highways.--Any person operating a pedalcycle  
4 upon a roadway of a highway, which highway carries traffic in  
5 one direction only and has two or more marked traffic lanes, may  
6 ride as near the left-hand curb or edge of the roadway as  
7 practicable, exercising due care when passing a standing vehicle  
8 or one proceeding in the same direction.

9 (c) Limitation on riding abreast.--Persons riding  
10 pedalcycles upon a roadway shall not ride more than two abreast  
11 except on paths or parts of roadways set aside for the exclusive  
12 use of pedalcycles.

13 (d) Use of available pedalcycle paths.--Whenever a lane or  
14 path for pedalcycles has been provided as part of a highway,  
15 pedalcycle riders shall use the lane or path and shall not use  
16 any other part of the highway. This subsection does not apply  
17 when use of the pedalcycle lane or path is not possible, safe or  
18 reasonable.]

19 (a) General rule.--Except as provided in subsections (b) and  
20 (c), every person operating a pedalcycle upon a highway shall  
21 obey the applicable rules of the road as contained in this  
22 title.

23 (b) Operation on shoulder.--A pedalcycle may be operated on  
24 the shoulder of a highway and shall be operated in the same  
25 direction as required of vehicles operated on the adjacent <—  
26 roadway.

27 (c) Slower than prevailing speeds.--A pedalcycle operated at  
28 slower than prevailing speed shall be operated in accordance  
29 with the provisions of section 3301(b), unless it is unsafe to  
30 do so.

1     ~~(d) One-way highways~~ ROADWAYS.--Any person operating a     <—  
2     pedalcycle upon a roadway ~~of a highway, which highway carries~~     <—  
3     traffic in one direction only and has two or more marked traffic  
4     lanes, may ride as near the left-hand curb or edge of the  
5     roadway as practicable, exercising due care when passing a  
6     standing vehicle or one proceeding in the same direction.

7     ~~(e) Two-way roadways.--On two-way roadways, any pedalcycle~~  
8     ~~impeding traffic by proceeding at less than the prevailing speed~~     <—  
9     ~~of traffic at the time and place and under the conditions then~~  
10    ~~existing~~ shall be driven in the right-hand lane then available  
11    for traffic and as close as practicable to the right-hand curb  
12    or edge of the roadway., ~~except when overtaking and passing~~     <—  
13    ~~another vehicle proceeding in the same direction or when~~  
14    ~~preparing for a left turn at an intersection or into an alley,~~  
15    ~~private road or driveway.~~ This subsection shall not apply to an  
16    operator who must necessarily:     <—

17         ~~(1) drive in a lane other than the right hand lane to~~  
18         ~~continue on his intended route; or~~

19         ~~(2) drive away from the right-hand curb or edge of the~~  
20         roadway for reasons of safety.

21    ~~(f) Limitation on riding abreast.--Persons riding~~  
22    pedalcycles upon a roadway shall not ride more than two abreast  
23    except on paths or parts of roadways set aside for the exclusive  
24    use of pedalcycles.

25    § 3507. LAMPS AND OTHER EQUIPMENT ON PEDALCYCLES.     <—

26    (A) LAMPS AND REFLECTORS.--EVERY PEDALCYCLE WHEN IN USE  
27    BETWEEN SUNSET AND SUNRISE SHALL BE EQUIPPED ON THE FRONT WITH A  
28    LAMP WHICH EMITS A BEAM OF WHITE LIGHT INTENDED TO ILLUMINATE  
29    THE PEDALCYCLE OPERATOR'S PATH AND VISIBLE FROM A DISTANCE OF AT  
30    LEAST 500 FEET TO THE FRONT. OPERATORS OF PEDALCYCLES MAY

1 SUPPLEMENT THE REQUIRED FRONT LAMP WITH A WHITE FLASHING LAMP,  
2 LIGHT-EMITTING DIODE OR SIMILAR DEVICE TO ENHANCE THEIR  
3 VISIBILITY TO OTHER TRAFFIC AND WITH A RED REFLECTOR ON THE REAR  
4 [OF A TYPE APPROVED BY THE DEPARTMENT] WHICH SHALL BE VISIBLE  
5 FROM ALL DISTANCES FROM [100 FEET TO 600] 500 FEET TO THE REAR  
6 AND WITH AN AMBER REFLECTOR ON EACH SIDE. A LAMP EMITTING A RED  
7 [LIGHT] FLASHING LAMP, LIGHT-EMITTING DIODE OR SIMILAR DEVICE  
8 VISIBLE FROM A DISTANCE OF 500 FEET TO THE REAR MAY BE USED IN  
9 ADDITION TO THE RED REFLECTOR. A LAMP WORN BY THE OPERATOR OF A  
10 PEDALCYCLE SHALL COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION  
11 IF THE LAMP CAN BE SEEN AT THE DISTANCES SPECIFIED. [ALL LAMPS  
12 AND REFLECTORS SHALL BE OF A TYPE APPROVED BY THE DEPARTMENT.]

13 \* \* \*

14 SECTION 4. SECTION 3510 OF TITLE 75, AMENDED DECEMBER 28,  
15 1994 (P.L. , NO.170), IS AMENDED TO READ:  
16 § 3510. PEDALCYCLE HELMETS FOR CERTAIN PERSONS.

17 (A) GENERAL RULE.--A PERSON UNDER 12 YEARS OF AGE SHALL NOT  
18 OPERATE A PEDALCYCLE OR RIDE AS A PASSENGER ON A PEDALCYCLE  
19 UNLESS THE PERSON IS WEARING A PEDALCYCLE HELMET MEETING THE  
20 STANDARDS OF THE AMERICAN NATIONAL STANDARDS INSTITUTE [OR OF],  
21 THE AMERICAN SOCIETY FOR TESTING AND MATERIALS, THE SNELL  
22 MEMORIAL FOUNDATION'S STANDARDS FOR PROTECTIVE HEADGEAR FOR USE  
23 IN BICYCLING OR ANY OTHER NATIONALLY RECOGNIZED STANDARD FOR  
24 PEDALCYCLE HELMET APPROVAL. THIS SUBSECTION SHALL ALSO APPLY TO  
25 A PERSON WHO RIDES:

26 (1) UPON A PEDALCYCLE WHILE IN A RESTRAINING SEAT  
27 ATTACHED TO A PEDALCYCLE; OR

28 (2) IN A TRAILER TOWED BY A PEDALCYCLE.

29 (B) HELMET TO BE LABELED.--ANY HELMET SOLD OR OFFERED FOR  
30 SALE FOR USE BY OPERATORS AND PASSENGERS OF PEDALCYCLES SHALL BE

1 [CONSPICUOUSLY] LABELED IN ACCORDANCE WITH THE STANDARD  
2 DESCRIBED IN SUBSECTION (A), WHICH SHALL CONSTITUTE THE  
3 MANUFACTURER'S CERTIFICATION THAT THE HELMET CONFORMS TO THE  
4 APPLICABLE SAFETY STANDARDS.

5 (B.1) SALE OF HELMET.--NO PERSON SHALL SELL OR OFFER FOR  
6 SALE FOR USE BY AN OPERATOR OR PASSENGER OF A PEDALCYCLE A  
7 HELMET WHICH IS NOT OF A TYPE MEETING THE REQUIREMENTS  
8 ESTABLISHED BY THIS SECTION.

9 (B.2) WAIVER OF FINE.--IF A PERSON RECEIVES A CITATION  
10 ISSUED BY THE PROPER AUTHORITY FOR VIOLATION OF SUBSECTION (A),  
11 A DISTRICT JUSTICE, MAGISTRATE OR JUDGE SHALL DISMISS THE  
12 CHARGES IF THE PERSON PRIOR TO OR AT HIS HEARING DISPLAYS  
13 EVIDENCE OF ACQUISITION OF A HELMET MEETING THE STANDARDS  
14 PRESCRIBED IN SUBSECTION (A) TO SUCH DISTRICT JUSTICE,  
15 MAGISTRATE OR JUDGE. SUFFICIENT EVIDENCE SHALL INCLUDE A RECEIPT  
16 MAILED TO THE APPROPRIATE COURT OFFICER WHICH EVIDENCES PURCHASE  
17 OR TRANSFER OF SUCH A HELMET FROM ANOTHER HELMET OWNER,  
18 EVIDENCED BY A NOTARIZED LETTER.

19 (C) CIVIL ACTIONS.--IN NO EVENT SHALL A VIOLATION OR ALLEGED  
20 VIOLATION OF SUBSECTION (A) BE USED AS EVIDENCE IN A TRIAL OF  
21 ANY CIVIL ACTION; NOR SHALL ANY JURY IN A CIVIL ACTION BE  
22 INSTRUCTED THAT ANY CONDUCT DID CONSTITUTE OR COULD BE  
23 INTERPRETED BY THEM TO CONSTITUTE A VIOLATION OF SUBSECTION (A);  
24 NOR SHALL FAILURE TO USE A PEDALCYCLE HELMET BE CONSIDERED AS  
25 CONTRIBUTORY NEGLIGENCE NOR SHALL FAILURE TO USE A PEDALCYCLE  
26 HELMET BE ADMISSIBLE AS EVIDENCE IN THE TRIAL OF ANY CIVIL  
27 ACTION.

28 (D) PENALTY.--NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW,  
29 ANY VIOLATION OF SUBSECTION (A) IS PUNISHABLE BY A FINE,  
30 INCLUDING ALL PENALTIES, ASSESSMENTS AND COURT COSTS IMPOSED ON

1 THE CONVICTED PERSON NOT TO EXCEED \$25. [THE COURT IMPOSING AND  
2 COLLECTING ANY SUCH FINES SHALL TRANSFER THE FINES THUS  
3 COLLECTED TO THE STATE TREASURER FOR DEPOSIT IN THE PEDALCYCLE  
4 HELMET FUND, PURSUANT TO SECTION 3512 (RELATING TO PEDALCYCLE  
5 HELMET FUND).] THE PARENT OR LEGAL GUARDIAN HAVING CONTROL OR  
6 CUSTODY OF A PERSON UNDER 12 YEARS OF AGE WHOSE CONDUCT VIOLATES  
7 THIS SECTION SHALL BE JOINTLY AND SEVERALLY LIABLE WITH THE  
8 PERSON FOR THE AMOUNT OF THE FINE IMPOSED.

9 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE TERM "WEARING  
10 A PEDALCYCLE HELMET" MEANS HAVING A PEDALCYCLE HELMET OF GOOD  
11 FIT FASTENED SECURELY UPON THE HEAD WITH THE HELMET STRAPS.

12 Section 3 5. Section 3511 of Title 75 is amended by adding a <—  
13 subsection to read:

14 § 3511. Pedalcycles prohibited on freeways.

15 \* \* \*

16 (d) Operation on shoulder.--If a section of freeway is <—  
17 opened to pedalcycle travel, the pedalcycler must ride THE <—  
18 DEPARTMENT AUTHORIZES PEDALCYCLE ACCESS TO A FREEWAY, THE  
19 PEDALCYCLE SHALL BE OPERATED upon the shoulder of that freeway  
20 whenever practicable.

21 ~~Section 4. Title 75 is amended by adding sections to read:~~ <—  
22 ~~§ 3514. Pedalcycles and headphones.~~

23 ~~(a) General rule. No person shall operate a pedalcycle~~  
24 ~~while using one or more headphones, earphones or any similar~~  
25 ~~device which the department, by regulation, determines would~~  
26 ~~impair the ability of the operator to hear traffic sounds.~~

27 ~~(b) Exception. This section does not prohibit the use of~~  
28 ~~hearing aids or other devices for improving the hearing of the~~  
29 ~~operator nor does it prohibit the use of communication equipment~~  
30 ~~by the operator or police officers in the performance of their~~



1 ~~duties or the use of protective clothing in inclement weather.~~

2 ~~§ 3515. Hand signals.~~

3 ~~All signals given by hand and arm shall be given from the~~  
4 ~~left side of the vehicle in the following manner, except as~~  
5 ~~indicated for pedalcycles and motorcycles, and the signals shall~~  
6 ~~indicate as follows:~~

7 ~~(1) For a left turn, the left hand and arm shall be~~  
8 ~~extended horizontally.~~

9 ~~(2) For a right turn, the left hand and arm shall be~~  
10 ~~extended upward or the right arm shall be extended~~  
11 ~~horizontally.~~

12 ~~(3) To stop or decrease speed, the left hand and arm~~  
13 ~~shall be extended downward.~~

14 SECTION 6. SECTION 3512 OF TITLE 75 IS REPEALED. <—

15 Section 5 7. Chapter 35 of Title 75 is amended by adding a <—  
16 subchapter to read:

17 CHAPTER 35

18 SPECIAL VEHICLES AND PEDESTRIANS

19 \* \* \*

20 SUBCHAPTER D

21 BICYCLE PEDALCYCLE AND PEDESTRIAN ADVISORY COMMITTEE <—

22 Sec.

23 3571. Bicycle PEDALCYCLE and Pedestrian Advisory Committee. <—

24 § 3571. Bicycle PEDALCYCLE and Pedestrian Advisory Committee. <—

25 (a) Establishment.--There is hereby established under the  
26 jurisdiction of the Department of Transportation a board known  
27 as the Pennsylvania Bicycle PEDALCYCLE and Pedestrian Advisory <—  
28 Committee.

29 (b) Composition.--The committee shall consist of 23 members.  
30 The members shall be as follows:

- 1           (1) The Secretary of Transportation, ex officio.
- 2           (2) The Secretary of Commerce, ex officio.
- 3           (3) The Secretary of Health, ex officio.
- 4           (4) The Secretary of Environmental Resources, ex  
5 officio.
- 6           (5) The Commissioner of the Pennsylvania State Police,  
7 ex officio.
- 8           (6) The Secretary of Education, ex officio.
- 9           (7) The Secretary of Community Affairs, ex officio.
- 10          (8) The chairman and minority chairman of the  
11 Transportation Committee of the Senate.
- 12          (9) The chairman and minority chairman of the  
13 Transportation Committee of the House of Representatives.
- 14          (10) Twelve members of the public representing areas of  
15 concern specified who shall have extensive experience and  
16 knowledge of bicycle, pedalcycle, pedestrian and human power  
17 issues throughout this Commonwealth, to be appointed by the  
18 Governor as follows:
  - 19           (i) ~~Three~~ TWO members from a list of at least six       <—  
20 representatives submitted by the Bicycling Federation of  
21 Pennsylvania.
  - 22           (ii) One member from a list of at least three  
23 representatives submitted by the League of American  
24 Bicyclists.
  - 25           (iii) One member from a list of at least three  
26 representatives submitted by the United States Cycling  
27 Federation.
  - 28           (iv) One member from a list of at least three  
29 representatives submitted by the Pennsylvania Chapter of  
30 the Rails-to-Trails Conservancy.

1 (v) One member from a list of at least three  
2 representatives submitted by the Eastern Paralyzed  
3 Veterans Association.

4 (vi) One member from a list of at least three  
5 representatives submitted by the American Association of  
6 Retired Persons.

7 (VII) ONE MEMBER FROM A LIST OF AT LEAST THREE <—  
8 REPRESENTATIVES SUBMITTED BY THE BICYCLE COALITION OF  
9 DELAWARE VALLEY.

10 (VIII) ONE MEMBER FROM A LIST OF AT LEAST THREE  
11 REPRESENTATIVES SUBMITTED BY THE LEHIGH VALLEY BICYCLE  
12 RIDERS ALLIANCE.

13 (IX) ONE MEMBER FROM A LIST OF AT LEAST THREE  
14 REPRESENTATIVES SUBMITTED BY THE PITTSBURGH AREA CYCLING  
15 COALITION.

16 ~~(vii) Four~~ (X) TWO members from the general public. <—  
17 Each member may designate an alternate to serve in his stead. A  
18 member shall notify the chairman in writing of this designation.

19 (c) Terms of appointees.--The terms of all members of the  
20 committee appointed by the Governor shall be for three years.  
21 Any member of the committee may be reappointed for additional  
22 terms. An individual appointed to fill a vacancy shall serve for  
23 the unexpired term and shall be eligible for reappointment.

24 (d) Officers.--The members of the committee shall annually  
25 elect a chairman, a vice chairman and a secretary from among the  
26 public members of the committee.

27 (e) Meetings and expenses.--

28 (1) The committee shall meet at least four times every  
29 12 months, but may hold additional meetings as are called by  
30 the chairman or by petition of at least five members of the

1 committee.

2 (2) A public member, including a designee, who misses  
3 three consecutive meetings without good cause acceptable to  
4 the chairman shall be replaced by the chairman, who shall  
5 have the power to make a temporary appointment pending  
6 approval or replacement by the Governor.

7 (3) The public members of the committee shall be allowed  
8 per diem expenses to be set by the committee, but not to  
9 exceed Internal Revenue Service guidelines. The department  
10 shall provide appropriate staff support to enable the  
11 committee to properly carry out its functions.

12 (f) Powers and duties.--The powers and duties of the  
13 committee shall be to advise and comment on all phases of  
14 cycling and pedestrian program activities being undertaken or  
15 financially assisted by the department and agencies of State  
16 government and to propose methods, strategies or technologies  
17 for improving these program activity services, systems or  
18 facilities within this Commonwealth. The committee shall  
19 annually submit reports of its general deliberations and  
20 conclusions, as well as any specific issue reports completed at  
21 the committee's discretion, to the Governor, members of the  
22 General Assembly and the State Transportation Commission.

23 Section ~~6~~ 8. This act shall take effect in 60 days.

<—