
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, CAPPABIANCA, FAJT, EGOLF, NAILOR
AND MICOZZIE, FEBRUARY 7, 1995

SENATOR CORMAN, TRANSPORTATION, IN SENATE, AS AMENDED,
JUNE 6, 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; providing for the establishment of
7 the Pennsylvania Pedalcycle and Pedestrian Advisory
8 Committee; and further providing for exemption from
9 surcharge.

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

12 Section 1. The definition of "pedalcycle" in section 102 of
13 Title 75 of the Pennsylvania Consolidated Statutes is amended to
14 read:

15 § 102. Definitions.

16 Subject to additional definitions contained in subsequent
17 provisions of this title which are applicable to specific
18 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 3. Sections 3314, 3336, 3504, 3505 and 3507(a) of
18 Title 75 are amended to read:

19 § 3314. Prohibiting use of hearing impairment devices.

20 (a) General rule.--No ~~{driver}~~~~person~~ shall operate a <—
21 vehicle while wearing or using one or more headphones[,] or
22 earphones. [or any similar device which the department by
23 regulation determines would impair the ability of the driver to
24 hear traffic sounds.]

25 (b) Exception.--This section does not prohibit the use of
26 hearing aids or other devices for improving the hearing of the
27 ~~{driver}~~~~person~~ nor does it prohibit the use of communication <—
28 equipment by the driver of [a fire vehicle] an emergency vehicle
29 or by motorcycle operators complying with section 3525 (relating
30 to protective equipment for motorcycle riders).

1 § 3336. Method of giving hand and arm signals.

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

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

8 (2) For a right turn, the left hand and arm shall be
9 extended upward[.], except that operators of motorcycles and
10 pedalcycles may also be permitted to signal a right turn by
11 extending the right hand and arm horizontally.

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

14 § 3504. Riding on pedalcycles.

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

18 (b) Number of riders.--No pedalcycle shall be used to carry
19 more persons at one time than the number for which the
20 pedalcycle is designed and equipped except that an adult rider
21 may [carry a child securely attached to the rider in a back pack
22 or sling] transport a child in a ~~restraining seat~~ PEDALCYCLE ←
23 CHILD CARRIER which is securely attached to the pedalcycle or in
24 a trailer which is towed by a pedalcycle.

25 § 3505. Riding on roadways and pedalcycle paths.

26 [(a) General rule.--Except as provided in subsection (b),
27 every person operating a pedalcycle upon a roadway shall ride as
28 near to the right side of the roadway as practicable, exercising
29 due care when passing a standing vehicle or one proceeding in
30 the same direction.

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

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

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

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

21 (b) Operation on shoulder.--A pedalcycle may be operated on
22 the shoulder of a highway and shall be operated in the same
23 direction as required of vehicles operated on the roadway.

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

28 (d) One-way roadways.--Any person operating a pedalcycle
29 upon a roadway, which carries traffic in one direction only and
30 has two or more marked traffic lanes, may ride as near the left-

1 hand curb or edge of the roadway as practicable, exercising due
2 care when passing a standing vehicle or one proceeding in the
3 same direction.

4 ~~(c) Two way roadways. On two way roadways, any pedalcycle~~ <—
5 ~~shall be driven in the right hand lane then available for~~
6 ~~traffic and as close as practicable to the right hand curb or~~
7 ~~edge of the roadway. This subsection shall not apply to an~~
8 ~~operator who must necessarily drive away from the right hand~~
9 ~~curb or edge of the roadway for reasons of safety.~~

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

14 (G) MANDATORY USE OF AVAILABLE PEDALCYCLE PATH.--WHENEVER A <—
15 LANE OR PATH FOR PEDALCYCLES HAS BEEN PROVIDED AS A PART OF A
16 HIGHWAY, AND MANDATORY USE OF THE LANE OR PATH HAS BEEN
17 INDICATED BY OFFICIAL TRAFFIC CONTROL DEVICES, PEDALCYCLE RIDERS
18 SHALL USE THE LANE OR PATH AND SHALL NOT USE ANY OTHER PART OF
19 THE HIGHWAY. THIS SUBSECTION DOES NOT APPLY WHEN USE OF THE
20 PEDALCYCLE LANE OR PATH IS NOT POSSIBLE, SAFE OR REASONABLE.

21 § 3507. Lamps and other equipment on pedalcycles.

22 (a) Lamps and reflectors.--Every pedalcycle when in use
23 between sunset and sunrise shall be equipped on the front with a
24 lamp which emits a beam of white light intended to illuminate
25 the pedalcycle operator's path and visible from a distance of at
26 least 500 feet to the front. Operators of pedalcycles may
27 supplement the required front lamp with a white flashing lamp,
28 light-emitting diode or similar device to enhance their
29 visibility to other traffic and with a red reflector on the rear
30 [of a type approved by the department] which shall be visible

1 from all distances from [100 feet to 600] 500 feet to the rear
2 and with an amber reflector on each side. A lamp emitting a red
3 [light] flashing lamp, light-emitting diode or similar device
4 visible from a distance of 500 feet to the rear may be used in
5 addition to the red reflector. A lamp worn by the operator of a
6 pedalcycle shall comply with the requirements of this subsection
7 if the lamp can be seen at the distances specified. [All lamps
8 and reflectors shall be of a type approved by the department.]

9 * * *

10 Section 4. Section 3510 of Title 75, amended December 28,
11 1994 (P.L.1445, No.170), is amended to read:

12 § 3510. Pedalcycle helmets for certain persons.

13 (a) General rule.--A person under 12 years of age shall not
14 operate a pedalcycle or ride as a passenger on a pedalcycle
15 unless the person is wearing a pedalcycle helmet meeting the
16 standards of the American National Standards Institute [or of],
17 the American Society for Testing and Materials, the Snell
18 Memorial Foundation's Standards for Protective Headgear for Use
19 in Bicycling or any other nationally recognized standard for
20 pedalcycle helmet approval. This subsection shall also apply to
21 a person who rides:

22 (1) upon a pedalcycle while in a restraining seat
23 attached to a pedalcycle; or

24 (2) in a trailer towed by a pedalcycle.

25 (b) Helmet to be labeled.--Any helmet sold or offered for
26 sale for use by operators and passengers of pedalcycles shall be
27 [conspicuously] labeled in accordance with the standard
28 described in subsection (a), which shall constitute the
29 manufacturer's certification that the helmet conforms to the
30 applicable safety standards.

1 (b.1) Sale of helmet.--No person shall sell or offer for
2 sale for use by an operator or passenger of a pedalcycle a
3 helmet which is not of a type meeting the requirements
4 established by this section.

5 (b.2) Waiver of fine.--If a person receives a citation
6 issued by the proper authority for violation of subsection (a),
7 a district justice, magistrate or judge shall dismiss the
8 charges if the person prior to or at his hearing displays
9 evidence of acquisition of a helmet meeting the standards
10 prescribed in subsection (a) to such district justice,
11 magistrate or judge. Sufficient evidence shall include a receipt
12 mailed to the appropriate court officer which evidences purchase
13 or transfer of such a helmet from another helmet owner,
14 evidenced by a notarized letter.

15 (b.3) Exemption.--This section shall not apply to a child
16 under 12 years of age who can produce a statement from the
17 family's church authorities attesting that it is against the
18 tenets of the family's religion to wear a helmet.

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 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 the department authorizes
17 pedalcycle access to a freeway, the pedalcycle shall be operated
18 upon the shoulder of that freeway whenever practicable.

19 Section 6. Section 3512 of Title 75 is repealed.

20 Section 7. Chapter 35 of Title 75 is amended by adding a
21 subchapter to read:

22 CHAPTER 35

23 SPECIAL VEHICLES AND PEDESTRIANS

24 * * *

25 SUBCHAPTER D

26 PEDALCYCLE AND PEDESTRIAN ADVISORY COMMITTEE

27 Sec.

28 3571. Pedalcycle and Pedestrian Advisory Committee.

29 § 3571. Pedalcycle and Pedestrian Advisory Committee.

30 (a) Establishment.--There is hereby established under the

1 jurisdiction of the Department of Transportation a board known <—
2 as the Pennsylvania Pedalcycle and Pedestrian Advisory
3 Committee.

4 (b) Composition.--The committee shall consist of ~~23~~ 12 <—
5 members. The members shall be as follows:

6 (1) The Secretary of Transportation, ex officio.

7 ~~(2) The Secretary of Commerce, ex officio.~~ <—

8 ~~(3) The Secretary of Health, ex officio.~~

9 ~~(4)~~ (2) The Secretary of Environmental Resources, ex
10 officio.

11 ~~(5) The Commissioner of the Pennsylvania State Police,~~ <—
12 ~~ex officio.~~

13 ~~(6) The Secretary of Education, ex officio.~~

14 ~~(7) The Secretary of Community Affairs, ex officio.~~

15 ~~(8)~~ (3) The chairman and minority chairman of the
16 Transportation Committee of the Senate.

17 ~~(9)~~ (4) The chairman and minority chairman of the <—
18 Transportation Committee of the House of Representatives.

19 ~~(10) Twelve~~ (5) SIX members of the public representing <—
20 areas of concern specified who shall have extensive
21 experience and knowledge of bicycle, pedalcycle, pedestrian
22 and human power issues throughout this Commonwealth, to be
23 appointed by the Governor as follows:

24 (i) ~~Two members~~ ONE MEMBER from a list of at least <—
25 ~~six~~ THREE representatives submitted by the Bicycling <—
26 Federation of Pennsylvania.

27 (ii) One member from a list of at least three
28 representatives submitted by the League of American
29 Bicyclists.

30 (iii) One member from a list of at least three

1 representatives submitted by the United States Cycling
2 Federation.

3 (iv) One member from a list of at least three
4 representatives submitted by the Pennsylvania Chapter of
5 the Rails-to-Trails Conservancy.

6 (v) One member from a list of at least three
7 representatives submitted by the Eastern Paralyzed
8 Veterans Association.

9 ~~(vi) One member from a list of at least three~~ ←
10 ~~representatives submitted by the American Association of~~
11 ~~Retired Persons.~~

12 ~~(vii) One member from a list of at least three~~
13 ~~representatives submitted by the Bicycle Coalition of~~
14 ~~Delaware Valley.~~

15 ~~(viii) One member from a list of at least three~~
16 ~~representatives submitted by the Lehigh Valley Bicycle~~
17 ~~Riders Alliance.~~

18 ~~(ix) One member from a list of at least three~~
19 ~~representatives submitted by the Pittsburgh Area Cycling~~
20 ~~Coalition.~~

21 ~~(x) Two members~~ (VI) ONE MEMBER from the general ←
22 public.

23 Each member may designate an alternate to serve in his stead. A
24 member shall notify the chairman in writing of this designation.

25 (c) Terms of appointees.--The terms of all members of the
26 committee appointed by the Governor shall be for three years.
27 Any member of the committee may be reappointed for additional
28 terms. An individual appointed to fill a vacancy shall serve for
29 the unexpired term and shall be eligible for reappointment.

30 (d) Officers.--The members of the committee shall annually

1 elect a chairman, a vice chairman and a secretary from among the
2 public members of the committee.

3 (e) Meetings and expenses.--

4 (1) The committee shall meet at least ~~four times every~~ <—
5 ~~12 months, but may hold additional meetings as are called by~~
6 ~~the chairman or by petition of at least five members of the~~
7 ~~committee.~~ ANNUALLY. <—

8 (2) A public member, including a designee, who misses
9 three consecutive meetings without good cause acceptable to
10 the chairman ~~shall~~ MAY be replaced ~~by the chairman, who shall~~ <—
11 ~~have the power to make a temporary appointment pending~~
12 ~~approval or replacement~~ by the Governor.

13 (3) The public members of the committee shall be allowed
14 ACTUAL, NECESSARY AND REASONABLE per diem expenses ~~to be set~~ <—
15 ~~by the committee, but not to exceed Internal Revenue Service~~
16 ~~guidelines.~~ IN ACCORDANCE WITH REGULATIONS OF THE EXECUTIVE <—
17 BOARD. The department shall provide appropriate staff support
18 to enable the committee to properly carry out its functions.

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

30 Section 8. Section 6506(a) of Title 75 is amended to read:

1 § 6506. Surcharge.

2 (a) Levy and imposition.--In addition to any fines, fees or
3 penalties levied or imposed as provided by law, under this title
4 or any other statute, a surcharge shall be levied for
5 disposition in accordance with subsection (b) as follows:

6 (1) Upon conviction for any violation of the provisions
7 of this title or other statute of the Commonwealth, or
8 regulations promulgated under this title, which is a traffic
9 violation and which is not included within the provisions of
10 paragraphs (2) through (7), exclusive of parking offenses, a
11 surcharge of \$30.

12 (2) Upon conviction for a violation of the following
13 provisions of this title, a surcharge of \$40:

14 (i) Section 3306(a)(1) (relating to limitations on
15 driving on left side of roadway).

16 (ii) Section 3745 (relating to accidents involving
17 damage to unattended vehicle or property).

18 (3) Upon conviction for a violation of section 3345(a)
19 (relating to meeting or overtaking school bus), a surcharge
20 of \$50.

21 (4) Upon conviction for a violation of section 3362
22 (relating to maximum speed limits), the following applicable
23 surcharge:

24 (i) \$30 for exceeding the maximum speed limit by 6
25 to 10 miles per hour or 11 to 15 miles per hour.

26 (ii) \$40 for exceeding the maximum speed limit by 16
27 to 25 miles per hour.

28 (iii) \$50 for exceeding the maximum speed limit by
29 at least 26 miles per hour.

30 (5) Upon conviction for violation of section 4902

1 (relating to restrictions on use of highways and bridges),
2 Subchapter C of Chapter 49 (relating to maximum weights of
3 vehicles) or Subchapter E of Chapter 49 (relating to
4 measuring and adjusting vehicle size and weight), a surcharge
5 of \$150.

6 (6) Upon conviction for violation of Chapter 47
7 (relating to inspection of vehicles), by the owner or
8 operator or driver of a vehicle which is subject to the
9 provisions of Chapter 49 (relating to size, weight and load),
10 a surcharge of \$30.

11 (7) Upon conviction of offenses under section 3731
12 (relating to driving under influence of alcohol or controlled
13 substance), or upon admission to programs for Accelerated
14 Rehabilitative Disposition for offenses enumerated in section
15 3731, a surcharge, respectively, of:

16 (i) \$50 for the first offense.

17 (ii) \$100 for the second offense.

18 (iii) \$200 for the third offense.

19 (iv) \$300 for the fourth and subsequent offenses.

20 The provisions of this subsection shall not apply to any
21 violation committed by the operator of a motorcycle, motor-
22 driven cycle, pedalcycle, motorized pedalcycle or recreational
23 vehicle not intended for highway use.

24 * * *

25 SECTION 9. THE ADDITION OF 75 PA.C.S. CH. 35 SUBCH. D SHALL <—
26 EXPIRE DECEMBER 31, 2000.

27 Section ~~9~~ 10. This act shall take effect in 60 days. <—